

Exhibit F - Crumrine Deposition

Officer Travis Crumrine ~ December 10, 2018
* * * Videotaped Deposition * * *

Page 185

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Sarah Safier, CCR No. 808, do thereby
6 certify: That I reported the deposition of OFFICER
7 TRAVIS CRUMRINE, commencing on Monday,
8 December 10, 2018, at 10:09 a.m.

9 That prior to being deposed, the witness was
10 duly sworn by me to testify to the truth. That I
11 thereafter transcribed my said shorthand notes into
12 typewriting and that the typewritten transcript is a
13 complete, true, and accurate transcription of my said
14 shorthand notes. That prior to the conclusion of the
15 proceedings, pursuant to NRCP 30(e), the reading and
16 signing of the transcript was requested by the
17 witness or a party.

18 I further certify that I am not a relative
19 or employee of counsel of any of the parties, nor a
20 relative or employee of the parties involved in said
21 action, nor a person financially interested in the
22 action.

23 IN WITNESS WHEREOF, I have set my hand in my
24 office in the County of Clark, State of Nevada, this
25 24th day of December, 2018.

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Officer Travis Crumrine ~ December 10, 2018
* * * Videotaped Deposition * * *

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * * * *

4
5 TRINITA FARMER,)
6 individually,)

7 Plaintiff,)

8 vs.)

9 LAS VEGAS METROPOLITAN)
10 POLICE DEPARTMENT, a)
11 political subdivision of)
12 the State of Nevada;)

13 KENNETH LOPERA,)

14 individually; TRAVIS)

15 CRUMRINE, individually;)

16 MICHAEL TRAN, individually;)

17 MICHAEL FLORES,)

18 individually,)

19)

20 Defendants.)

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Case No.
2:18-cv-00860-GMN-VCF

**CONDENSED
TRANSCRIPT**

16 VIDEOTAPED DEPOSITION OF OFFICER TRAVIS CRUMRINE

17 Taken on Monday, December 10, 2018

18 At 10:09 a.m.

19 Taken at Lagomarsino Law

20 3005 West Horizon Ridge Parkway

21 Suite 241

22 Henderson, Nevada 89052

23

24

25 Reported by: Sarah Safier, CCR No. 808

Officer Travis Crumrine ~ December 10, 2018

* * * Videotaped Deposition * * *

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<p>1 VIDEOTAPED DEPOSITION OF OFFICER TRAVIS CRUMRINE, 2 taken at Lagomarsino Law, 3005 West Horizon Ridge 3 Parkway, Suite 241, Henderson, Nevada, on Monday, 4 December 10, 2018, at 10:09 a.m., before Sarah 5 Safier, Certified Court Reporter, in and for the 6 State of Nevada. 7 APPEARANCES: 8 For the Plaintiff: 9 ANDRE M. LAGOMARSINO, ESQ. 10 DENISE VALDIVIA, Paralegal 11 STEPHANIE MOORE, Paralegal (Present Telephonically) 12 Lagomarsino Law 13 3005 West Horizon Ridge Parkway 14 Suite 241 15 Henderson, Nevada 89052 16 For the Defendants Las Vegas Metropolitan Police 17 Department, Travis Crumrine, Michael Tran, Michael 18 Flores: 19 CRAIG R. ANDERSON, ESQ. 20 Marquis Aurbach Coffing 21 10001 Park Run Drive 22 Las Vegas, Nevada 89145 23 24 For the Defendant Kenneth Lopera: 25 DANIEL R. MCNUTT, ESQ. McNutt Law Firm, P.c. 625 South Eighth Street Las Vegas, Nevada 89101 Also Present: CHRISTOPHER BAUGH - Videographer TRINITA FARMER MARJORIE DAY</p>	<p>1 THE VIDEOGRAPHER: Good morning. Today is 2 December 10, 2018. The time is approximately 3 10:09 a.m. This begins the video deposition of 4 Travis Crumrine. 5 We are located at Lagomarsino Law, 3005 West 6 Horizon Ridge Parkway, Suite 241, Henderson, Nevada 7 89052. 8 My name is Christopher Baugh, court 9 videographer with Las Vegas Legal Video. 10 This is United States District Court, 11 District of Nevada, Case No. 2:18-cv-00860-GMN-VCF, 12 in the matter of Trinita Farmer versus Las Vegas 13 Metropolitan Police Department, et al. 14 This video deposition has been requested by 15 attorneys for the plaintiff. 16 Will counsel and all present please state 17 your appearances for the record. 18 MR. LAGOMARSINO: Andre Lagomarsino, Denise 19 Valdivia for the plaintiffs. Also present, Trinita 20 Farmer and Marjorie Day. 21 MR. MCNUTT: Dan McNutt on behalf of Officer 22 Ken Lopera. 23 MR. ANDERSON: Craig Anderson on behalf of 24 the Las Vegas Metropolitan Police Department, 25 Officers Crumrine, Tran and Flores.</p>
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<p>1 INDEX 2 3 Witness: OFFICER TRAVIS CRUMRINE 4 Examination Further Examination 5 By Mr. Lagomarsino 5 179, 182 6 By Mr. Anderson 158 7 By Mr. McNutt 164 181 8 EXHIBITS 9 Plaintiff Page 10 1 - Videotaped Deposition Transcript of 40 11 Sergeant Travis Crumrine - 12/27/17 12 2 - Las Vegas Metropolitan Police 81 13 Department Statement of Sergeant 14 Travis Crumrine - 5/14/17 15 3 - Las Vegas Metropolitan Police 110 16 Department Voluntary Statement of 17 Sergeant Travis Crumrine - 5/14/17 18 4 - Force Investigation Team 110 19 Report/In-Custody Death 20 5 - 5/17/17 New York Times Article 124 21 6 - U.S. vs. Mendenhall case/Westlaw 131 22 7 - Barnard vs. Theobald case/Westlaw 135 23 8 - 5/23/11 Las Vegas Sun Article 139 24 9 - Administrative Leave/Relief of Duty 25 Notice 142 10 - Return From Relief of Duty Notice 144 11 - Training History 146 12 - LVNR Restraint Video 158</p>	<p>1 MR. LAGOMARSINO: Also, sorry, present on 2 the telephone is Stephanie Moore, paralegal. 3 THE WITNESS: Travis Crumrine. 4 THE VIDEOGRAPHER: The deponent may now be 5 sworn in by Sarah Safier with All-American Court 6 Reporters. 7 Whereupon -- 8 OFFICER TRAVIS CRUMRINE 9 being first duly sworn to tell the truth, the whole 10 truth, and nothing but the truth, was examined and 11 testified as follows: 12 EXAMINATION 13 BY MR. LAGOMARSINO: 14 Q All right. Can you please state your name 15 and spell your last name for the record. 16 A Travis Crumrine, C-R-U-M-R-I-N-E. 17 Q Have you ever had your deposition taken 18 before? 19 A Yes. 20 Q On how many occasions? 21 A At least one, maybe two or three. It's been 22 a while. 23 Q All right. So one of the cases is the case 24 brought by the children, and it's related to Tashii 25 Farmer, correct?</p>

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3 (Pages 6 to 9)

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<p>1 A Correct.</p> <p>2 Q When was that deposition taken? Do you</p> <p>3 recall?</p> <p>4 A I believe December of last year.</p> <p>5 Q What did the other cases involve?</p> <p>6 A Oh, gosh, I think there was like a child</p> <p>7 custody dispute, and I think the other one was a bar</p> <p>8 fight. It's been years ago.</p> <p>9 Q Were they in your capacity as a police</p> <p>10 officer?</p> <p>11 A Yes.</p> <p>12 Q Have you ever been sued before?</p> <p>13 A Yes.</p> <p>14 Q On how many occasions?</p> <p>15 A One.</p> <p>16 Q And relating to this case?</p> <p>17 A This and one other.</p> <p>18 Q And what was the other case?</p> <p>19 A It was a professional gambler suing Caesars</p> <p>20 Palace and the police department for -- over an</p> <p>21 arrest.</p> <p>22 Q And when did that take place?</p> <p>23 A In March of 2008.</p> <p>24 Q Okay. Who is the plaintiff in that case?</p> <p>25 A Lori Tessau or Lori Chang.</p>	<p>1 "Is that a yes or is that a no?" I'm not trying to</p> <p>2 be rude. I'm just trying to make a clean record.</p> <p>3 Okay?</p> <p>4 A Okay.</p> <p>5 Q At the termination of this deposition, you</p> <p>6 will have an opportunity to review your transcript</p> <p>7 and make any potential changes. If you make changes</p> <p>8 of an important nature, it could be commented on at</p> <p>9 trial as to your credibility. Do you understand?</p> <p>10 A Yes.</p> <p>11 Q We're going to be going for quite a while</p> <p>12 today. Sometimes I'm a low talker or I mumble. If</p> <p>13 you don't understand my question, please tell me and</p> <p>14 I'm happy to rephrase it. Okay?</p> <p>15 A Okay.</p> <p>16 Q If you don't tell me to rephrase, I'm going</p> <p>17 to assume that you understand the question as asked.</p> <p>18 Is that okay?</p> <p>19 A Yes.</p> <p>20 Q If you ever need a break, just please let me</p> <p>21 know and we'll take a break. Okay?</p> <p>22 A Yes.</p> <p>23 Q You know the difference between a guess and</p> <p>24 an estimate?</p> <p>25 A Yes.</p>
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<p>1 Q And what were the allegations against you in</p> <p>2 that case?</p> <p>3 A I believe it was kidnapping, false arrest,</p> <p>4 stuff like that.</p> <p>5 Q And do you know if that case was dismissed?</p> <p>6 Was it resolved?</p> <p>7 A It went to the Ninth Circuit, and they found</p> <p>8 in our favor.</p> <p>9 Q Okay. All right. You understand that</p> <p>10 you're sworn to tell the truth today?</p> <p>11 A Yes.</p> <p>12 Q That although we are in a conference room in</p> <p>13 an informal setting, the oath that you took is the</p> <p>14 same oath that you would take in a court of law?</p> <p>15 A Yes.</p> <p>16 Q Although we have a videographer here, the</p> <p>17 official record is the court reporter's record. So</p> <p>18 it's difficult for her to take down two people</p> <p>19 talking at once. So I'd ask that you allow me to</p> <p>20 finish my question, and I will allow you to finish</p> <p>21 your answer, if that's okay.</p> <p>22 A Yes.</p> <p>23 Q In that regard, body language can be</p> <p>24 difficult to take down on the transcript. As are</p> <p>25 "uh-huhs" and "uhm-ums." So if I prompt you to say,</p>	<p>1 Q So you're allowed to estimate today, but</p> <p>2 don't guess. All right?</p> <p>3 A All right.</p> <p>4 Q All right. From time to time, your lawyers</p> <p>5 or your lawyer here will be making objections. I'm</p> <p>6 assuming he is not doing it to be obstructive, and</p> <p>7 there's not a judge here to rule on it, but I'd ask</p> <p>8 that you allow him to finish his objection, and if</p> <p>9 you understand the question, go ahead and answer it.</p> <p>10 Okay?</p> <p>11 A Okay.</p> <p>12 Q Are you on any medications that would</p> <p>13 prevent you from giving your best testimony today?</p> <p>14 A No.</p> <p>15 Q Let's go into your educational history.</p> <p>16 Where did you go to high school?</p> <p>17 A Quincy Senior High School in Quincy,</p> <p>18 Illinois.</p> <p>19 Q And what year did you graduate?</p> <p>20 A 1998.</p> <p>21 Q Did you obtain any degrees after high</p> <p>22 school?</p> <p>23 A No.</p> <p>24 Q Did you go to school after high school?</p> <p>25 A Yes.</p>

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<p>1 Q Where did you go?</p> <p>2 A John Wood Community College and North</p> <p>3 Eastern Illinois University.</p> <p>4 Q And was that just general studies?</p> <p>5 A Criminal justice.</p> <p>6 Q And how long did you go to Northeastern?</p> <p>7 A Until 2003 or 2004.</p> <p>8 Q So you went to John Wood, and -- I'm sorry,</p> <p>9 and then you went to Northeastern after that?</p> <p>10 A I transferred to Northeastern, yes.</p> <p>11 Q Did you graduate from Northeastern?</p> <p>12 A No.</p> <p>13 Q When did you leave Northeastern?</p> <p>14 A It was either 2003 or 2004, and then I</p> <p>15 entered a police academy there.</p> <p>16 Q When did you move to Vegas?</p> <p>17 A In August of 2005.</p> <p>18 Q And why did you move to Vegas?</p> <p>19 A For the police, for the job.</p> <p>20 Q Had you had any other law enforcement</p> <p>21 training before working with Metro?</p> <p>22 A Yes.</p> <p>23 Q And where did you work?</p> <p>24 A I attend -- I worked for the Chicago</p> <p>25 Department of Aviation Special Police Unit, and I</p>	<p>1 Q Would you conduct proactive police activity?</p> <p>2 A Yes.</p> <p>3 Q What is that?</p> <p>4 A Gosh, stop traffic violators, make person</p> <p>5 stops.</p> <p>6 Q Would you patrol mostly the Strip?</p> <p>7 A Included the Strip, yes.</p> <p>8 Q That area south of the airport?</p> <p>9 A Yes.</p> <p>10 Q How long were you in that position?</p> <p>11 A Until November of 2008. When they opened</p> <p>12 the Convention Center Area Command, I transferred</p> <p>13 there, which focused more on just the Strip.</p> <p>14 Q Where is the Convention Area Command</p> <p>15 located?</p> <p>16 A That's at Sierra Vista and Swenson.</p> <p>17 Q And did you subsequently become a detective?</p> <p>18 A I did.</p> <p>19 Q And when did that occur?</p> <p>20 A April or May of 2012.</p> <p>21 Q Did you have to take a written exam?</p> <p>22 A No.</p> <p>23 Q Take an oral board?</p> <p>24 A Yes.</p> <p>25 Q What's an oral board?</p>
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<p>1 attended the Cook County Sheriff's Police Academy.</p> <p>2 Q Okay. Did you have any complaints against</p> <p>3 you in your positions with those entities?</p> <p>4 A No. Basically, as soon as I finished the</p> <p>5 academy, I got the job offer here, so I never really</p> <p>6 worked very much there.</p> <p>7 Q Did you attend the police academy for Metro?</p> <p>8 A Yes.</p> <p>9 Q When were you commissioned as a police</p> <p>10 officer?</p> <p>11 A February 8, 2006, I believe.</p> <p>12 Q And what was your first position with Metro?</p> <p>13 A Patrol officer at South Central Area</p> <p>14 Command.</p> <p>15 Q And what areas of Vegas does South Central</p> <p>16 Area Command cover?</p> <p>17 A At that time, it covered everything from</p> <p>18 Sahara to the north, basically St. Rose Parkway to</p> <p>19 the south, I-15 to the west, north of the airport the</p> <p>20 boundary would be Maryland Parkway, and south of the</p> <p>21 airport the boundary on the east side would be</p> <p>22 Eastern.</p> <p>23 Q What were your responsibilities as a patrol</p> <p>24 officer?</p> <p>25 A Respond to calls for service.</p>	<p>1 A An oral board is an interview consisting of</p> <p>2 roughly 10 or 15 questions, basically to gauge your</p> <p>3 knowledge of the bureau that you're trying to test</p> <p>4 for.</p> <p>5 Q Do you recall who was on your board that was</p> <p>6 asking you questions?</p> <p>7 A Oh, gosh, I don't.</p> <p>8 Q Did your responsibilities change when you</p> <p>9 became a detective?</p> <p>10 A Yes.</p> <p>11 Q How did they change?</p> <p>12 A I was a detective in the vice unit, and I</p> <p>13 was responsible for investigating vice-related crimes</p> <p>14 like prostitution.</p> <p>15 Q At some point, were you later promoted to a</p> <p>16 sergeant?</p> <p>17 A Yes.</p> <p>18 Q When were you promoted to sergeant?</p> <p>19 A August, I think, 27th of 2016.</p> <p>20 Q And did you take a written exam?</p> <p>21 A Yes.</p> <p>22 Q What did you do to prepare for today's</p> <p>23 deposition?</p> <p>24 A Consulted with my attorney, reviewed the --</p> <p>25 the subpoena you gave me.</p>

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<p>1 Q Did you review any videos?</p> <p>2 A Specifically for this, no. I mean, I've</p> <p>3 watched the video plenty of times.</p> <p>4 Q Have you watched videos from other officers'</p> <p>5 body cams?</p> <p>6 A Other than myself and Officer Lopera, I</p> <p>7 don't know that I have.</p> <p>8 MR. LAGOMARSINO: Did you guys produce the</p> <p>9 other officers' body cams or body cam in this case?</p> <p>10 MR. ANDERSON: I think so. If we haven't,</p> <p>11 we will.</p> <p>12 MR. LAGOMARSINO: Okay. It's requested. I</p> <p>13 saw that you gave a split screen on the LVNR</p> <p>14 training, but maybe I didn't look hard enough, but I</p> <p>15 didn't see any body cam footage.</p> <p>16 MR. ANDERSON: Yeah, I'll get that to you.</p> <p>17 BY MR. LAGOMARSINO:</p> <p>18 Q So I apologize. So to become a sergeant,</p> <p>19 you have to take a written exam?</p> <p>20 A Yes.</p> <p>21 Q Do you know how many questions?</p> <p>22 A It's 100 questions.</p> <p>23 Q Multiple choice?</p> <p>24 A Yes.</p> <p>25 Q And so I'm assuming you passed?</p>	<p>1 A Yes.</p> <p>2 Q What's the practical exam consist of?</p> <p>3 A The practical exam consists of several</p> <p>4 scenarios. It's usually like a squad briefing</p> <p>5 scenario where you brief your squad on the plan for</p> <p>6 the day. I believe there was a diversity complaint</p> <p>7 scenario between two officers. We have to intervene</p> <p>8 and mitigate a diversity complaint. And there was a</p> <p>9 tactical scenario where you respond as a sergeant to</p> <p>10 a dynamic incident.</p> <p>11 Q What do you mean intervene and mitigate in a</p> <p>12 diversity scenario?</p> <p>13 A This one specifically was you're in the next</p> <p>14 room and you hear two officers in the locker room</p> <p>15 start arguing, and one of them tells the other one</p> <p>16 that he is going to get him a subscription to the</p> <p>17 AARP magazine. And so you have to stop it -- and</p> <p>18 obviously it's an ageism --</p> <p>19 Q Right.</p> <p>20 A -- issue -- and investigate, find out</p> <p>21 whether the subject officer has had a previous</p> <p>22 history of complaints or anything of that nature, and</p> <p>23 then find out if your victim officer wants to proceed</p> <p>24 with a complaint.</p> <p>25 Q What was the dynamic situation that you had</p>
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<p>1 A Yes.</p> <p>2 Q What score do you have to attain to pass?</p> <p>3 A I believe they take the top -- it's either</p> <p>4 the top number of scores out of the number that</p> <p>5 people that test or the top 10 or 20 percent or</p> <p>6 something. So the cutoff ranges depending on how</p> <p>7 high the scores are.</p> <p>8 Q Okay. Kind of like a bell curve?</p> <p>9 A Yeah.</p> <p>10 Q Did you receive, like, a study manual for</p> <p>11 that exam?</p> <p>12 A You receive a list of policies and other</p> <p>13 books to study.</p> <p>14 Q So if I wanted to request a copy of your</p> <p>15 exam, do you think I'd be able to get it?</p> <p>16 MR. ANDERSON: Objection to form.</p> <p>17 Go ahead.</p> <p>18 THE WITNESS: Maybe.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q Who provided you with the materials?</p> <p>21 A Human resources.</p> <p>22 Q So I'm assuming human resources has those</p> <p>23 materials today if we requested them?</p> <p>24 A I'm sure they do.</p> <p>25 Q Was there also a practical exam?</p>	<p>1 to --</p> <p>2 A It was a -- what we might call an open area</p> <p>3 barricade. It was a guy in a vehicle threatening to</p> <p>4 commit suicide with a firearm.</p> <p>5 Q What were your job responsibilities as a</p> <p>6 sergeant?</p> <p>7 A To supervise a squad of officers in patrol,</p> <p>8 responding to calls for service.</p> <p>9 Q Was the Venetian Hotel in the Convention</p> <p>10 Center Area Command?</p> <p>11 A Yes.</p> <p>12 Q Would you conduct roll call?</p> <p>13 A Yes.</p> <p>14 Q Did you conduct something called a "midnight</p> <p>15 briefing"?</p> <p>16 A Safe Strip briefing, yes.</p> <p>17 Q What is that?</p> <p>18 A So Safe Strip was a program that we ran for,</p> <p>19 gosh, probably about a decade where on Friday and</p> <p>20 Saturday nights between roughly Memorial Day and</p> <p>21 Halloween we would have extra officers supplementing</p> <p>22 the Strip for patrol. And they would walk foot</p> <p>23 posts; they would be assigned to specific hotels.</p> <p>24 Originally, we did that with -- by taking two</p> <p>25 officers from every other area command and bringing</p>

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<p>1 them down to the Strip. Later on, it was decided 2 that they would add more officers to Convention 3 Center so that we could do Safe Strip as a station 4 and not have to take from the other commands. 5 So, yeah, it's basically roughly 30 officers 6 on Friday and Saturday nights between midnight and 7 6:00 a.m. walking foot posts at hotels. 8 Q All right. Who was your lieutenant when you 9 were a sergeant at the Convention Center Area 10 Command? 11 A I had four lieutenants during my time at 12 Convention Center -- 13 Q All -- sorry. I interrupted you. 14 A No, you're fine. 15 Q All at the same time? 16 A No. Just throughout the eight months or 17 whatever that I was there, it switched four times. 18 Q Okay. Who were the lieutenants? 19 A Lieutenant Ray Spencer, Lieutenant Kristine 20 Buist, Lieutenant Richard Maupin, and then Lieutenant 21 Steve Summers. 22 Q Who was your lieutenant at the time of the 23 Tashii Farmer incident? 24 A Steve Summers. 25 Q And is that S-O-M-M or S-U-M-M?</p>	<p>1 Q Did you change squads on or about 2 March 11th? 3 A Yes. 4 Q Okay. So going back to when you became a 5 sergeant, I believe you said August of '16? 6 A Uh-huh. 7 Q How many times did you change squads between 8 then and May 14th of 2017? 9 A So just two. I was assigned to patrol 10 squad. Then I got bumped to day shift, I believe, in 11 January of '17, and then I got that particular squad 12 on March 11th. 13 Q Okay. When did you start supervising 14 Kenneth Lopera? 15 A March 11th. 16 Q And that's March 11th of '17? 17 A Correct. 18 Q Did your responsibilities change when you 19 changed squads? 20 A Yes. 21 Q And how did they change? 22 A So the new squad starting March 11th was a 23 flex squad, which is a squad that's primarily 24 supposed to be a proactive squad on the Strip, and 25 it's also responsible for doing the Safe Strip.</p>
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<p>1 A S-U-M-M-E-R-S. 2 Q Do you remember the date of the incident 3 with Tashii? 4 A Was it May 14th or 15th? 5 Q I'll represent it was May 13th and 14th. 6 A 13th and 14th. Okay. 7 Q I guess that shift. 8 A Okay. 9 Q May 14th was Mother's Day. Do you recall 10 that? 11 A Vaguely. 12 Q What time would your shift have started? 13 A 8:00 p.m. 14 Q And would it have ended at six? 15 A Yes. 16 Q Were you on a -- like, four 10s per week? 17 A Correct. 18 Q What were your days off? 19 A We were off Tuesday night, Wednesday night 20 and Thursday night. 21 Q At some point, did you change squads? 22 A I changed squads -- during my time as a 23 sergeant? 24 Q Yes. 25 A Several times.</p>	<p>1 Q And when you say proactive on the Strip, 2 what do you mean? 3 A So they're not primarily responsible for 4 responding to regular patrol calls. The in-custodies 5 at the casinos, and so hot calls that come out, you 6 know, 911 calls, emergency, what we call priority 7 zero calls where it's a crime in progress, violence, 8 life safety. 9 Q Would you also deal with quality-of-life 10 issues? 11 A Yes. 12 Q What are quality-of-life issues? 13 A Homelessness, street-level prostitution, 14 street-level narcotics. 15 Q Traffic? 16 A Yes. 17 Q Pedestrians? 18 A Yes. 19 Q On the shift of May -- we'll just call it 20 May 14th. I'm -- 21 A Yeah. 22 Q -- saying, like, May 13th to 14th -- how 23 many officers were you supervising that night? 24 A I think we tried to estimate this last time. 25 So I had 12 assigned to me, and I'm not sure if all</p>

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<p>1 12 were there that night. The other squad sergeant 2 was off, and he had -- I believe he had 16 officers 3 assigned to him, but I want to say that there were 4 five or six off. 5 So roughly 23 from those two squads, and 6 then there may have been some overtime folks, four or 7 five, six maybe. So possibly up to 30. 8 Q All right. Was Officer Lopera under your 9 supervision that night? 10 A Yes. 11 Q And what about Officer Tran? 12 A Yes. 13 Q Was Officer Tran normally on your squad? 14 A No. He was on the other squad. His 15 sergeant was off. 16 Q And was Officer Flores usually on your 17 squad? 18 A No. 19 Q Was that the first time you had supervised 20 those individuals that night? 21 A No. 22 Q How many times did you supervise those 23 individuals? 24 A That would be hard to say. I mean, I think 25 we worked -- our quads worked together two nights a</p>	<p>1 system, it's leaps and bounds better than the -- the 2 one before. 3 Q And so at some point, you were drawn to the 4 Venetian, correct? 5 A Yes. 6 Q And how were you drawn to the Venetian? 7 A So I heard the garbled radio traffic. I was 8 in my car. I was roughly at Sands and Howard Hughes 9 or between Howard Hughes and Koval. The dispatcher 10 can tell when you key your radio what unit's keying 11 their radio. So I don't know if the dispatcher heard 12 him -- heard or to make out what he said or could 13 tell by the radio ID, but she knew it was Venetian 14 1's call sign, so she gave a code red to Venetian 1. 15 Q And what does code red stand for? 16 A A code red means that an emergency exists on 17 the channel and whoever the code red is for, the 18 radio channel is theirs to broadcast traffic. 19 Everyone else stays off the radio so they can get out 20 their emergency traffic. 21 Q As part of your job patrolling the Strip, do 22 you have to sometimes deal with intoxicated 23 individuals? 24 A Yes. 25 Q Do you sometimes have to deal with</p>
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<p>1 week, and their sergeant was far more senior to me. 2 So it's quite likely he took more nights off where I 3 would have covered. 4 Q Why did more senior sergeants take more 5 nights off? 6 A They accrue more time as you get more time 7 on the job. 8 Q Okay. Officer, is it -- how do you 9 pronounce her name, Lif? 10 A Lif. 11 Q Was she under your supervision and control 12 as well? 13 A Yes. 14 Q Do you remember getting a call from the 15 Venetian in reference to this incident? 16 A We did not get a call from the Venetian. 17 Q Do you remember getting a call referencing 18 the Venetian pertaining to this incident? 19 A The first anyone ever heard of the call was 20 garbled radio traffic. 21 Q So were there problems with the radios at 22 that time? 23 A Not particularly. There are issues with the 24 radios when you get deep into the hotels that -- with 25 signal penetration. But with this current radio</p>	<p>1 individuals who you believe to be high on narcotics? 2 A Yes. 3 Q Are you a drug recognition expert? 4 A No. 5 Q Have you ever had in your career, before May 6 of 2017, had individuals run from you that are 7 intoxicated? 8 A Yes. 9 Q Does Metro have policies on pedestrian 10 pursuits? 11 A Yes. 12 Q If an individual starts running from you for 13 no reason, do you start chasing that individual? 14 A I believe the policy says when running is 15 the sole justification for the pursuit that we do 16 not -- 17 Q Okay. 18 A -- or should not. 19 Q So that evening did you conduct a Safe Strip 20 briefing? 21 A Yes. 22 Q Tell me about what a Safe Strip briefing is 23 like. 24 A Mostly in a Safe Strip briefing, especially 25 with the squad being specifically assigned to do</p>

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<p>1 it -- back in the day when we used to bring in two 2 officers from every -- like Noah's Ark, we had to 3 give people more instruction on, this is what you 4 need to do, don't be hiding in the back of the 5 casino, don't take three lunch breaks. But officers 6 that are specifically working this, they know most of 7 the rules, so it's really just assigning people 8 properties, anything from our normal briefing, like 9 be on the look out for so-and-so or, you know, 10 Bellagio is having a problem with homeless guys 11 swimming in the fountain or something, just general 12 information. It's mostly just assigning officers to 13 properties. 14 Q How long does that usually take, that 15 briefing? 16 A 10 to 15 minutes. 17 Q And did the lieutenant help you with that 18 briefing that night? 19 A Yes. 20 Q And who is that? 21 A Steve Summers. 22 Q Was there also a sergeant working overtime 23 that night? 24 A Yes. 25 Q And was that Bill Jones?</p>	<p>1 posts and check on them. If they're on a stop, back 2 them up, stuff like that. 3 Q From time to time, would you go to the 4 Venetian? 5 A Yes. 6 Q That evening, Officer Lopera and Officer 7 Lif, I understand, were getting coffee. 8 A Uh-huh. 9 Q Does the Venetian provide free coffee to the 10 officers? 11 A If they went to the EDR, yes. 12 Q Anywhere else in the Venetian where you get 13 free coffee? 14 A Not as a rule. I mean, when you go get 15 coffee at places, it's kind of hit-and-miss. 16 Sometimes people give you free coffee. 17 Q All right. In terms of the squads you were 18 supervising that evening, which properties did your 19 squad have responsibility for that evening? 20 A My recollection was probably better a year 21 ago when we went over it, but -- so all in all 22 between my squad and my sister sergeant's squad, 23 we've got everything from Tropicana, New York New 24 York, I believe MGM, it would be CityCenter, Cosmo, 25 Bellagio, Paris, Bally's, there's a Hawaiian</p>
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<p>1 A I believe so. 2 Q So Mr. Summers would have -- or Lieutenant 3 Summers would have been your supervisor? 4 A Yes. 5 Q Did he arrive at the scene at the Venetian? 6 A Yes. 7 Q When did he arrive? 8 A It was pretty quick, because I know he was 9 on -- we had a fatal wreck in front of the Flamingo. 10 A guy had a heart attack while driving his car and 11 crashed into the sidewalk on the Flamingo side of -- 12 or, sorry, on the Flamingo side of Cromwell, and he 13 was on scene on that when this happened. I called 14 him on the phone within a couple of minutes, and I 15 said, "Hey, I'm pretty sure I'm an involved officer, 16 so I need you over here." 17 Q Did he come over? 18 A Yes. 19 Q How long did he stay at the scene? 20 A Hours. 21 Q Okay. Did you receive a specific assignment 22 that evening? 23 A My specific assignment is to supervise all 24 those officers on Safe Strip. So basically I just 25 bounce around from one pair to the next on their foot</p>	<p>1 Marketplace. 2 Q Treasure Island? 3 A Treasure Island, Mirage, Harrah's, Flamingo, 4 all the way up -- you've got Venetian, Palazzo, Wynn, 5 Encore. I think that was about where it ends. 6 Q How many officers are assigned per property? 7 A Two. 8 Q And where are they usually working? 9 A Most of their time is going to be spent out 10 on the sidewalk on the boulevard in front of that 11 property. 12 Q Why is that? 13 A Because that's where we see most of our 14 disturbances, your intoxicated individuals, your 15 homeless folks, prostitutes. If security has someone 16 in custody, then they're going to go ahead and call 17 311 and probably a normal patrol officer is going to 18 respond if it's static. If security has something 19 more dynamic going on and the person is not in 20 custody, then they might call the officers into the 21 hotel to -- to handle it. 22 Q As part of your job, do you tend to see 23 individuals who appear to be intoxicated -- 24 A Yes. 25 Q -- on the Strip?</p>

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9 (Pages 30 to 33)

Page 30	Page 32
<p>1 A Oh, yes.</p> <p>2 Q And do you typically arrest individuals who</p> <p>3 appear intoxicated on the Strip?</p> <p>4 A No.</p> <p>5 Q Why is that?</p> <p>6 A Because mere intoxication is not a crime for</p> <p>7 us.</p> <p>8 Q All right. It's my understanding that</p> <p>9 initially, Officer Lif and Officer Lopera were</p> <p>10 assigned to the Hawaiian Marketplace; is that</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q And then at the last minute, you texted them</p> <p>14 and told them to move to the Venetian?</p> <p>15 A Yes.</p> <p>16 Q Why did you move them to the Venetian?</p> <p>17 A Because the other squad that had 16 officers</p> <p>18 on paper, they had five or six off, and I was just</p> <p>19 shuffling people around, no real rhyme or reason for</p> <p>20 it. But I put -- I think I put one of -- so I think</p> <p>21 I had an odd number that night, and I put my odd man</p> <p>22 out with an overtime guy who was at the Marketplace</p> <p>23 and then moved them to the Venetian. Not really any</p> <p>24 specific rhyme or reason.</p> <p>25 Q Did Officer Lopera typically patrol the</p>	<p>1 competitively in jujitsu?</p> <p>2 A No.</p> <p>3 Q Did you learn that subsequent to this</p> <p>4 incident?</p> <p>5 MR. MCNUTT: Objection. Form.</p> <p>6 THE WITNESS: I knew that he did, like,</p> <p>7 jujitsu training. This is the first I've heard that</p> <p>8 he ever competed competitively in jujitsu.</p> <p>9 BY MR. LAGOMARSINO:</p> <p>10 Q Did you know that he had jujitsu training</p> <p>11 prior to the night of the incident?</p> <p>12 A No.</p> <p>13 Q Had you ever socialized with him at any</p> <p>14 point before the night of the incident?</p> <p>15 A No.</p> <p>16 Q When somebody calls a code red out, does</p> <p>17 that mean that there's an emergency on that channel?</p> <p>18 A Yes.</p> <p>19 Q Does that mean that people should try to</p> <p>20 avoid being on that channel if at all possible?</p> <p>21 A Yes. Do you want a clarification?</p> <p>22 Q Sure.</p> <p>23 A The only reason to break that code red if</p> <p>24 you're not the person who the code red is for is if</p> <p>25 you have direct information about whatever that code</p>
Page 31	Page 33
<p>1 Venetian?</p> <p>2 A No.</p> <p>3 Q Do you know if he had ever patrolled the</p> <p>4 Venetian before that night?</p> <p>5 A I don't know.</p> <p>6 Q If I represent to you that in your previous</p> <p>7 deposition you testified that you were pretty sure</p> <p>8 that he had not patrolled the Venetian before that</p> <p>9 evening, would you rely on that representation?</p> <p>10 A Yeah. I guess specifically, I'm pretty sure</p> <p>11 that I hadn't assigned him to a Safe Strip spot at</p> <p>12 the Venetian. I'm not sure. He had never gone on a</p> <p>13 call there.</p> <p>14 Q Okay. Thanks for that clarification.</p> <p>15 Was it your understanding that he would not</p> <p>16 be knowledgeable about the different aspects of the</p> <p>17 Venetian?</p> <p>18 A Yeah. I mean, he had only been assigned to</p> <p>19 that area command for roughly two months at that</p> <p>20 point.</p> <p>21 Q Had you ever had any interaction with</p> <p>22 Officer Lopera before you became his sergeant?</p> <p>23 A Other than calling him to ask him if he</p> <p>24 wanted to come to that squad, no.</p> <p>25 Q Were you aware that he'd competed</p>	<p>1 red is for.</p> <p>2 Q Thank you.</p> <p>3 So you started heading for the Venetian.</p> <p>4 Why?</p> <p>5 A Well, since the dispatcher called out that</p> <p>6 it was a code red for Venetian 1, I can assume that</p> <p>7 they're on the Venetian property. So we weren't</p> <p>8 getting any response from them when she's calling out</p> <p>9 for them for a better location, so I needed to start</p> <p>10 heading to the property, like every one of the</p> <p>11 officers who would be responding would, to start</p> <p>12 searching for him.</p> <p>13 Q What are some examples of code red</p> <p>14 emergencies?</p> <p>15 A Generally, it's officer's in a fight,</p> <p>16 officer's in a foot pursuit, officer's got somebody</p> <p>17 not complying with their orders.</p> <p>18 Q Is that what you took it to mean?</p> <p>19 A Yes.</p> <p>20 Q One of those options?</p> <p>21 A Yes.</p> <p>22 Q Did you know where to go in the Venetian</p> <p>23 property?</p> <p>24 A No.</p> <p>25 Q So how did you happen upon Officer Lopera?</p>

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10 (Pages 34 to 37)

Page 34	Page 36
<p>1 A So when she called out that code red and</p> <p>2 she's asking for location, I was sitting, I think,</p> <p>3 with my lights on in the intersection of Sands and</p> <p>4 Koval. And correct me if I'm wrong, it's about five</p> <p>5 minutes to 1:00 in the morning on a Saturday night,</p> <p>6 so Las Vegas Boulevard is generally pretty packed</p> <p>7 with pedestrian and vehicle traffic. So generally I</p> <p>8 would assume that they're going to be out on the</p> <p>9 sidewalk on the boulevard. However, to come out and</p> <p>10 try to make a left to go south on the boulevard to</p> <p>11 then make another left to get in front of the</p> <p>12 Venetian is going to take some time, even rolling</p> <p>13 code, because you may just get stuck.</p> <p>14 So I made a decision to go through the back,</p> <p>15 which is usually faster. So as I came up the</p> <p>16 east/west service drive, that's where I found them.</p> <p>17 Q At some point, you stopped your car,</p> <p>18 correct?</p> <p>19 A Yes.</p> <p>20 Q Were you by yourself?</p> <p>21 A Yes.</p> <p>22 Q And were you communicating with anybody</p> <p>23 regarding this incident on your way there?</p> <p>24 A No.</p> <p>25 Q When you stopped your car, approximately how</p>	<p>1 that -- did he soil himself in a fight.</p> <p>2 Q Did you later learn that he fell in some</p> <p>3 water or soap?</p> <p>4 A Yes.</p> <p>5 Q So you parked the car?</p> <p>6 A Yes.</p> <p>7 Q You get out of the car?</p> <p>8 A (Witness nods head.)</p> <p>9 Q What do you do next?</p> <p>10 A Immediately jumped out, ran up, and as I'm</p> <p>11 running up, Lopera is putting Farmer into a neck</p> <p>12 restraint, back lying. And as I ran up, they were on</p> <p>13 kind of their right-hand sides facing the little</p> <p>14 Jersey wall, and I grabbed Farmer's left arm.</p> <p>15 Q And why did you grab his left arm?</p> <p>16 A To put a handcuff on him.</p> <p>17 Q And did you get the handcuff on him?</p> <p>18 A Not immediately.</p> <p>19 Q How long did it take you to get the handcuff</p> <p>20 on him?</p> <p>21 A My best estimate, five or ten seconds, I</p> <p>22 think.</p> <p>23 Q When you were approaching Officer Lopera and</p> <p>24 Tashii, could you see what Tashii was doing?</p> <p>25 A No.</p>
Page 35	Page 37
<p>1 far were you from Officer Lopera?</p> <p>2 A Three or four blocks.</p> <p>3 Q Okay. Well, when you got to the Venetian, I</p> <p>4 guess, and you saw Officer Lopera, you parked your</p> <p>5 car, correct?</p> <p>6 A Yes.</p> <p>7 Q How far away did you park your car from</p> <p>8 Officer Lopera?</p> <p>9 A 30 to 50 feet probably.</p> <p>10 Q And did you park in the drive?</p> <p>11 A Right in the middle of the road, yeah.</p> <p>12 Q Okay. Did you have your lights on?</p> <p>13 A Yes.</p> <p>14 Q As you're driving up, did you see Officer</p> <p>15 Lopera and Tashii on the ground?</p> <p>16 A Yes.</p> <p>17 Q And what did you see?</p> <p>18 A As I drove up, what I could see was Officer</p> <p>19 Lopera on the ground with his feet, butt, back to me</p> <p>20 and then Farmer was either below or in front of him,</p> <p>21 behind. I couldn't really see. I mean, I knew there</p> <p>22 was a person there, but I couldn't really see him</p> <p>23 because mostly what I'm seeing is the back of</p> <p>24 Lopera's body. I remember that his butt and the back</p> <p>25 of his thighs were wet, and I remember thinking</p>	<p>1 Q And when you drove up, could you see what</p> <p>2 Officer Lopera was doing?</p> <p>3 A No.</p> <p>4 Q Did you ever see Officer Lopera strike</p> <p>5 Tashii?</p> <p>6 A No.</p> <p>7 Q Did you learn later that Officer Lopera</p> <p>8 struck Tashii with his fist?</p> <p>9 A Yes.</p> <p>10 Q And did you ever see Officer Lopera tase</p> <p>11 Tashii?</p> <p>12 A No.</p> <p>13 Q Did you later learn that he did tase Tashii</p> <p>14 several times?</p> <p>15 A Yes.</p> <p>16 Q When you came up to the scene and up to</p> <p>17 Lopera, was his taser holstered?</p> <p>18 A I don't remember.</p> <p>19 Q It wasn't being used at that time, correct?</p> <p>20 A Correct.</p> <p>21 Q Did you notice any evidence of tasing when</p> <p>22 you approached the scene?</p> <p>23 A No.</p> <p>24 Q And what would be some evidence of tasing?</p> <p>25 A When you deploy a taser, there's like</p>

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11 (Pages 38 to 41)

<p style="text-align: right;">Page 38</p> <p>1 confetti that comes out of the cartridge and also the 2 wires, the barbs. 3 Q After Tashii was released from the neck 4 restraint, did you notice evidence -- is it tasing or 5 tasing? 6 A Tasing. 7 Q Did you notice evidence of tasing after he 8 released him? 9 A Yes. 10 Q And what did you notice? 11 A I'm not sure if it was before or after he 12 told me that he tased him. 13 Q Did you actually see the evidence of tasing? 14 A I do remember seeing one of the barbs in 15 his -- was it in his back or his front? 16 Q How far away were you approximately when you 17 saw Lopera apply the neck restraint? 18 A Like I said, 30 to 50 feet. 19 Q Was there anybody else nearby? 20 A There were two Venetian security guards. 21 Q What were they doing? 22 A As I ran up, they were near Lopera and 23 Farmer. And as I recall, as I approached, they kind 24 of backed away. 25 Q At that point in time, were there any other</p>	<p style="text-align: right;">Page 40</p> <p>1 A Correct. 2 Q Now, when you came up on the scene, you said 3 to Tashii, "Put your fucking hands behind your back," 4 correct? 5 A Correct. 6 Q Is it within policy at Metro to curse at 7 suspects? 8 A It is, of course, discouraged, but 9 oftentimes using strong language with people gains 10 compliance where -- and prevents us from having to 11 use actual physical force. 12 Q Do you feel like that that agitated Officer 13 Lopera? 14 MR. ANDERSON: Objection to form. 15 THE WITNESS: No. 16 BY MR. LAGOMARSINO: 17 Q Once you arrived where Tashii and Officer 18 Lopera were, that's within three seconds or so, 19 that's when you saw Officer Lopera start applying the 20 neck restraint, correct? 21 A Roughly. 22 Q In your prior deposition, you stated -- let 23 me have the Exhibit 1. 24 (Plaintiff's Exhibit No. 1 was marked 25 for identification.)</p>
<p style="text-align: right;">Page 39</p> <p>1 police officers present -- 2 A No. 3 Q -- besides Lopera? Sorry. 4 A No. 5 Q When you approached Officer Lopera and 6 Tashii, did you believe that Lopera had Tashii in an 7 illegal or out-of-policy choke hold? 8 A No. 9 Q You have been trained on the LVNR, correct? 10 A Correct. 11 Q What does LVNR stand for, for the record? 12 A Lateral vascular neck restraint. 13 Q If you had seen Lopera putting Tashii in an 14 illegal or out-of-policy choke hold, would you have 15 intervened? 16 A Possibly. 17 Q LVNR can be applied with either arm, 18 correct? 19 A Correct. 20 Q Now, when you saw Officer Lopera restraining 21 Tashii, did it look like to you that the front arm 22 looked like it would be in the position it would be 23 in if it was applying an LVNR? 24 A Yes. 25 Q So you assumed he was applying an LVNR?</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MR. LAGOMARSINO: 2 Q You mentioned earlier that your memory -- 3 strike that. 4 You had your deposition taken about a year 5 ago, correct? 6 A Yes. 7 Q All right. And you mentioned earlier that 8 your memory is probably better a year ago than it is 9 today, correct? 10 A Yes. 11 Q Would having your deposition here from a 12 year ago help to refresh your recollection? 13 A Yes. 14 Q Okay. All right. I'm going to try not to 15 make it an onerous task to keep referring to the depo 16 today, but from time to time I will. 17 A Sure. 18 Q If you could please turn to Page 34 of the 19 deposition. 20 A Okay. 21 Q So at the top of that page, going back to 22 the page before -- so I'm sorry, for the record, 23 Page 33 -- you state that you made the comment about 24 putting his hands behind his back, and then you said 25 that you made several other statements and that the</p>

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* * * Videotaped Deposition * * *

12 (Pages 42 to 45)

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<p>1 timeline, I think, that you were referring to was 2 wrong. We do have a timeline, so we will get into 3 that a little bit. 4 But going to the next page, it says: 5 "What's the next thing you did besides making the 6 statement that we just talked about? What else did 7 you do next?" 8 It says: "Chronologically, I'm not totally 9 sure, but I grabbed Farmer's left wrist -- 10 "Okay. 11 "-- to put it in a -- to handcuff. 12 "Right. 13 "He pulled it away. He broke my grip. I 14 grabbed it again. Got the handcuff on." 15 So the first time you grabbed his hand, he 16 pulled it away, correct? 17 A Correct. 18 Q The second time you grabbed it, you were 19 able to get his handcuff on? 20 A Correct. 21 Q Okay. And you were trying to get them both 22 to roll over to accomplish the handcuffing? 23 A Yes. 24 Q Why? 25 A Well, handcuffs have to go behind Farmer's</p>	<p>1 hear him say that, I think at least twice, "Is he out 2 yet?" 3 A Yes. 4 Q And then a couple of times in the timeline 5 there was references to Tashii gasping. Did you ever 6 hear that? 7 A No. 8 Q All right. There was some discussion in 9 your prior deposition and your CIRT statement that 10 you were the one who said, "Let him go, Ken." 11 A Yes. 12 Q And were you saying let him go because you 13 were seeing Tashii's constitutional rights get 14 violated, or were you simply saying let him go 15 because you wanted to handcuff him? 16 MR. MCNUTT: Objection. Form. 17 MR. ANDERSON: Objection. 18 THE WITNESS: I was saying let go because I 19 wanted to handcuff him. 20 BY MR. LAGOMARSINO: 21 Q When was the first time you checked to see 22 if Tashii was conscious? 23 A When we rolled him back over face up after 24 he was handcuffed. 25 Q Do you remember Officer Lopera saying</p>
Page 43	Page 45
<p>1 back, and Lopera is covering Farmer's back by being 2 behind him. So we have to separate the two. And the 3 way that we train is we don't disengage. 4 I'll give you a pretty long explanation 5 here, but when you do LVNR, we train to do it by 6 yourself. So you would have the person, and when you 7 go to handcuff them, you're going to roll them over 8 onto their stomach. You're going to decide which 9 direction you need to go. You have got your legs 10 around the subject. 11 So if I went to turn to the left, I'm going 12 to keep my left leg around the subject to maintain 13 control and not roll over on your own leg. You're 14 going to kick the other leg out to push both of you 15 over to turn the person onto their stomach, and then 16 bring their hands behind their back. Now you have 17 broken away from them and handcuffed them. 18 Q Okay. Have you ever been diagnosed as 19 having -- being hard of hearing or being deaf or 20 anything like that? 21 A No. 22 Q Do you recall Officer Lopera asking a few 23 times whether Tashii was out? 24 A I don't. 25 Q Later when you watched the video, did you</p>	<p>1 something like, "Don't grab my fucking legs?" 2 A Yes. 3 Q Do you know why he was saying that? 4 A I don't know specifically. I can give you 5 my best guess. 6 Q Well, I don't want you to guess. 7 A Okay. 8 Q After watching the video, are you able to 9 make an estimate as to why he said that? 10 A Yes. 11 Q Okay. And what's that? 12 A Because it's hard to roll yourself over with 13 another person and easy to hurt yourself. And you 14 also have -- you're kind of like a turtle when you 15 have your vest on and all your gear on your belt, and 16 so it's not exactly easy to do and needs to be slow 17 and methodical to prevent injury to everybody. 18 Q Was somebody on his legs at the time, or was 19 he just kind of giving a warning? 20 A Officers Tran and Flores were down towards 21 the legs at that time. 22 Q Now, at the time you rolled him over, Tran 23 and Flores had already arrived, correct? 24 A Yes. 25 Q And they were assisting with restraining</p>

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* * * Videotaped Deposition * * *

13 (Pages 46 to 49)

Page 46	Page 48
<p>1 Tashii?</p> <p>2 A Correct.</p> <p>3 Q At some point, were you holding on to</p> <p>4 Tashii's legs?</p> <p>5 A Not that I recall specifically.</p> <p>6 Q At some point, did either Officer Tran or</p> <p>7 Flores hold on to or put pressure on Tashii's legs?</p> <p>8 A I don't remember.</p> <p>9 Q Lopera was doing what's known as a back</p> <p>10 lying neck restraint, correct?</p> <p>11 A Correct.</p> <p>12 Q And his legs were wrapped around Tashii,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q Where were they wrapped around him?</p> <p>16 A I mean, it would be, like, between the waist</p> <p>17 and the knees.</p> <p>18 Q As part of applying the LVNR, is it</p> <p>19 important to position the subject's head properly?</p> <p>20 A Yes.</p> <p>21 Q Why is that?</p> <p>22 A To get the proper compression on the sides</p> <p>23 of the neck.</p> <p>24 Q Based on your training with the LVNR, is it</p> <p>25 appropriate to place your hand on the subject's head,</p>	<p>1 Q Okay. And they're putting pressure on the</p> <p>2 legs to keep him stable?</p> <p>3 A I wouldn't say pressure. They're probably</p> <p>4 holding his legs to turn the both of them over.</p> <p>5 Q Well, to hold him, they have got to put some</p> <p>6 pressure on him, correct?</p> <p>7 A Like I said, they're not -- they're probably</p> <p>8 not segmenting his legs where we would, like, pin</p> <p>9 someone's leg down to the ground to prevent their</p> <p>10 movement. They're probably holding the leg to turn</p> <p>11 him over.</p> <p>12 Q Okay.</p> <p>13 A Sorry. Body language.</p> <p>14 Q That's all right. Now, at that point,</p> <p>15 you're focused on his arms, correct?</p> <p>16 A Correct.</p> <p>17 Q I believe in your -- if you turn to Page 42,</p> <p>18 Lines -- between Lines 15 to 21, you stated, at this</p> <p>19 point you, quote, weren't really busy -- strike that.</p> <p>20 I'll just read the record.</p> <p>21 So question at Line 15: "Well, can you see</p> <p>22 if he is conscious or not?</p> <p>23 "ANSWER: No. I wasn't -- I wasn't -- how</p> <p>24 do I explain? I wasn't really busying myself with</p> <p>25 whether or not he was conscious. I was trying to get</p>
Page 47	Page 49
<p>1 either front, back, sides in an effort to position it</p> <p>2 properly?</p> <p>3 A Possibly.</p> <p>4 Q I want to kind of take you to the scene</p> <p>5 before you rolled Tashii over but when Officers Tran</p> <p>6 and Flores are there along with yourself and Lopera.</p> <p>7 Lopera's got him in a rear restraint, correct?</p> <p>8 A (Witness nods head.)</p> <p>9 Q Yes?</p> <p>10 A Correct.</p> <p>11 Q And where are you?</p> <p>12 A On the side.</p> <p>13 Q Where -- and what are you doing?</p> <p>14 A Holding onto that handcuffed arm.</p> <p>15 Q Are you trying to grab the other arm too?</p> <p>16 A I need to roll them over before -- I need to</p> <p>17 separate before we can get the handcuffs on him.</p> <p>18 Q Thanks for clarifying.</p> <p>19 So then where are Officers Tran and Flores</p> <p>20 when you have got his arm and Lopera has got him from</p> <p>21 the back?</p> <p>22 A As I recall, they were both down at the</p> <p>23 feet, legs, but I'm not totally sure.</p> <p>24 Q Feet and legs?</p> <p>25 A I -- that area.</p>	<p>1 them rolled over so I could get him in the</p> <p>2 handcuffs."</p> <p>3 Is that correct?</p> <p>4 A Correct.</p> <p>5 Q Now, at the scene, you are required to</p> <p>6 supervise Lopera, correct?</p> <p>7 A Correct.</p> <p>8 Q And you are required to supervise Flores and</p> <p>9 Tran?</p> <p>10 A Correct.</p> <p>11 Q When you supervise officers, you're supposed</p> <p>12 to advise them, correct?</p> <p>13 A Correct.</p> <p>14 Q And fair to say that Metro teaches that a</p> <p>15 properly applied carotid hold or LVNR restraint</p> <p>16 should make a person unconscious in about 7 to</p> <p>17 14 seconds?</p> <p>18 A That's what they say.</p> <p>19 Q So is that -- have you ever applied an LVNR</p> <p>20 before to a subject?</p> <p>21 A No.</p> <p>22 Q Had you ever seen anybody in the field apply</p> <p>23 an LVNR?</p> <p>24 A No.</p> <p>25 Q With Tashii and Officer Lopera -- strike</p>

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14 (Pages 50 to 53)

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<p>1 that.</p> <p>2 Had you ever supervised Lopera before this</p> <p>3 incident in a use-of-force situation?</p> <p>4 A No.</p> <p>5 Q Have you ever been a field training officer?</p> <p>6 A No.</p> <p>7 Q Did you ever have any responsibility for</p> <p>8 training Officer Lopera?</p> <p>9 A No.</p> <p>10 Q So did you expect, as a supervisor, that --</p> <p>11 strike that.</p> <p>12 I'll just take a quick break.</p> <p>13 THE VIDEOGRAPHER: The time is approximately</p> <p>14 11:08 a.m. We are going off the record.</p> <p>15 (Off the record.)</p> <p>16 THE VIDEOGRAPHER: The time is approximately</p> <p>17 11:18 am. We are back on the record.</p> <p>18 BY MR. LAGOMARSINO:</p> <p>19 Q All right. So kind of getting back to the</p> <p>20 scene here, you had mentioned that you had told</p> <p>21 Lopera to let him go, words to that effect, correct?</p> <p>22 A Correct.</p> <p>23 Q Did you ever physically check to see if</p> <p>24 Lopera had relaxed his hold?</p> <p>25 A No.</p>	<p>1 of artificial resuscitation?</p> <p>2 A I'm not totally sure. Short.</p> <p>3 Q Do you know the actual time?</p> <p>4 A No.</p> <p>5 Q And when you say "short," more or less than</p> <p>6 a minute?</p> <p>7 A I'm not sure.</p> <p>8 Q Did you personally ever check to see if</p> <p>9 Tashii had a pulse?</p> <p>10 A No. I had officers there with him checking.</p> <p>11 Q Who was checking?</p> <p>12 A I believe -- well, what happened initially</p> <p>13 was they actually tried to stand him up. I guess it</p> <p>14 wasn't clear to them that he was unconscious. But I</p> <p>15 said, "No, no, no, no, no, sit him down, sit him up,</p> <p>16 pat him on the back."</p> <p>17 So they did that for a short period of time</p> <p>18 and said that they had -- that he was breathing and</p> <p>19 that he had a pulse. And then they updated to me</p> <p>20 that they couldn't find a pulse. And I said, "Take</p> <p>21 him out of handcuffs and start chest compressions."</p> <p>22 Q When you say "they," who are you talking</p> <p>23 about?</p> <p>24 A So we had -- I mean, the officers that I</p> <p>25 know were there were Tran, Flores, Kravetz, Amburgey</p>
Page 51	Page 53
<p>1 Q Did you ask Lopera if he had relaxed his</p> <p>2 hold?</p> <p>3 A No.</p> <p>4 MR. LAGOMARSINO: Let's go off the record.</p> <p>5 THE VIDEOGRAPHER: We are going off the</p> <p>6 record. The time is approximately 11:19 a.m.</p> <p>7 (Off the record.)</p> <p>8 THE VIDEOGRAPHER: The time is approximately</p> <p>9 11:20 a.m. We are back on the record.</p> <p>10 BY MR. LAGOMARSINO:</p> <p>11 Q So we're going to go into a little more</p> <p>12 detail on the incident a little later today, but I</p> <p>13 want to talk about what happens after you roll Tashii</p> <p>14 over. Okay?</p> <p>15 A Okay.</p> <p>16 Q So you roll him over. What happens next?</p> <p>17 A I called for medical.</p> <p>18 Q How much time elapsed between the time you</p> <p>19 called for medical and the time you rolled over --</p> <p>20 rolled him over?</p> <p>21 A Seconds. It was before I even stood up off</p> <p>22 the ground.</p> <p>23 Q Okay. How much time elapsed between -- and</p> <p>24 just an estimate -- between the time you rolled him</p> <p>25 over and the time somebody started giving him means</p>	<p>1 and Vontagen.</p> <p>2 Q And it was Amburgey that was the one who was</p> <p>3 applying medical, correct?</p> <p>4 A I believe it was Amburgey and Kravetz.</p> <p>5 Q So nobody was applying medical before they</p> <p>6 got there, correct?</p> <p>7 A They were just monitoring him.</p> <p>8 Q But nobody was applying CPR or compressions</p> <p>9 to him before they got there, right?</p> <p>10 A Before we took him out of handcuffs and</p> <p>11 started it, correct.</p> <p>12 Q Okay. And I may have asked you this. I</p> <p>13 apologize. Did you see if Lopera checked to see if</p> <p>14 Tashii had a pulse?</p> <p>15 A No. Lopera immediately disengaged and</p> <p>16 walked away to check his own equipment, catch his</p> <p>17 breath.</p> <p>18 Q Okay. Would you agree that it's important</p> <p>19 at all times to make sure that Tashii was breathing?</p> <p>20 A Maybe not at all times. They can't do two</p> <p>21 things at once, but --</p> <p>22 Q Okay. All right. Can you please turn to</p> <p>23 Page 48?</p> <p>24 A Sure.</p> <p>25 Q So the question at Line 6, it says: "And</p>

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* * * Videotaped Deposition * * *

15 (Pages 54 to 57)

Page 54	Page 56
<p>1 would it be important at all times for you to make 2 sure that Mr. Farmer was breathing? 3 "ANSWER: Yes." 4 A Sure. Yes. 5 Q Do you agree with that? 6 A Yes. 7 Q And as a supervisor, were you required to 8 make sure all the officers were performing within 9 Metro policies? 10 A Yes. 11 Q And was it also your responsibility to 12 supervise and make sure that deadly force was not 13 applied to Tashii? 14 MR. ANDERSON: Objection. Form. 15 THE WITNESS: It would be my job to make 16 sure that excessive force wasn't applied. 17 BY MR. LAGOMARSINO: 18 Q All right. In your view, was this excessive 19 force? 20 MR. ANDERSON: Objection. Form. 21 MR. MCNUTT: Objection. Form. 22 BY MR. LAGOMARSINO: 23 Q Let me rephrase. Having reviewed the video 24 and the evidence in the case, do you believe it was 25 excessive force?</p>	<p>1 Q On how many occasions? 2 A A handful maybe. 3 Q And what's your method of assessing whether 4 somebody was using excessive force? 5 A Based on the -- based on my perception. If 6 it's in the moment, then it's based on my perception 7 of what crime is being committed, what type of 8 resistance the subject is offering. 9 Q And do you know the difference between a 10 subjective assessment and an objective assessment? 11 A Not necessarily. Go ahead and clarify for 12 me, please. 13 Q That's all right. I'll come back to that. 14 A Okay. 15 Q Are you trained to not assume the negative 16 about a subject or suspect? 17 MR. ANDERSON: Objection. Form. 18 THE WITNESS: I'm not exactly sure what 19 you're asking. 20 BY MR. LAGOMARSINO: 21 Q In other words, did you assume that Tashii 22 had committed a crime? 23 A Yes. 24 Q And you didn't ask Ken if he had committed a 25 crime, correct?</p>
Page 55	Page 57
<p>1 A I have concerns about it. I don't know that 2 I would necessarily categorize it as excessive force. 3 Q What concerns do you have? 4 A Well, I haven't been able to interview the 5 officer to get his perception of what he was dealing 6 with at the time, so -- 7 Q Is it -- 8 A -- there's a lot of unanswered questions. 9 Q Is his subjective view important, or is it 10 more of an objective test? 11 MR. ANDERSON: Objection to form. 12 THE WITNESS: I'm not sure I understand the 13 question. 14 BY MR. LAGOMARSINO: 15 Q Do you ever as a sergeant have an 16 opportunity to assess whether somebody has used 17 excessive force? 18 A I guess are you asking me, in the moment 19 while the force is being used versus after the fact 20 or -- 21 Q Well, yeah. Let me -- thanks for asking me 22 to clarify, and I will clarify it. 23 As a sergeant, had you ever assessed in any 24 situation whether somebody was using excessive force? 25 A Yes.</p>	<p>1 A No. 2 Q Not correct or correct? 3 A It's correct that I did not ask him if he 4 committed a crime. 5 Q Those -- those are always my fault when I 6 ask those questions, the double-negatives. 7 As a supervisor, would it be your 8 responsibility to make sure that Officer Lopera did 9 not choke Tashii to death? 10 MR. ANDERSON: Objection. Form. 11 BY MR. LAGOMARSINO: 12 Q I'll rephrase. 13 A Okay. 14 Q At Page 49. 15 A Yeah. 16 Q You were asked: "Would it be your 17 responsibility at that time to make sure that Officer 18 Lopera did not choke Mr. Farmer to death?" 19 And your answer was "Yes," correct? 20 A It was. 21 Q After this incident, you were not confirmed 22 from your probationary status as a sergeant; is that 23 correct? 24 A Correct. 25 Q Tell me about what the probationary status</p>

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16 (Pages 58 to 61)

<p style="text-align: right;">Page 58</p> <p>1 is and how that works.</p> <p>2 A So when you first get promoted to sergeant,</p> <p>3 you have a 12-month probationary period where you're</p> <p>4 supposed to be given constant evaluation and feedback</p> <p>5 as to your performance. And then at the end of the</p> <p>6 12 months, you're confirmed in your position.</p> <p>7 Q When you're on probationary status, though,</p> <p>8 you're getting a higher rate of pay, correct?</p> <p>9 A Correct.</p> <p>10 Q And you have a higher rank?</p> <p>11 A Correct.</p> <p>12 Q And you take all the responsibilities of a</p> <p>13 sergeant?</p> <p>14 A Yes.</p> <p>15 Q Later in the deposition, there was some</p> <p>16 discussion about which violations were sustained</p> <p>17 against you?</p> <p>18 A Uh-huh.</p> <p>19 Q Do you recall those topics?</p> <p>20 A Yes.</p> <p>21 Q What were the -- let me build some</p> <p>22 foundation here. You went through a review board,</p> <p>23 correct?</p> <p>24 A Correct.</p> <p>25 Q What is a review board?</p>	<p style="text-align: right;">Page 60</p> <p>1 use-of-force board, you have an assistant sheriff is</p> <p>2 the chairman, a deputy chief, two captains, I think,</p> <p>3 and then you have three civilians on the use-of-force</p> <p>4 board.</p> <p>5 Q And then on the tactical board -- tactical</p> <p>6 review board you said?</p> <p>7 A Yes.</p> <p>8 Q Who's on that?</p> <p>9 A That, the civilians go away, and it's just</p> <p>10 the rest of that board that I named off.</p> <p>11 Q And just for the record, who was that again</p> <p>12 for the tactical review?</p> <p>13 A Assistant sheriff, deputy chief, and I think</p> <p>14 two captains. There's also, you have a peer sergeant</p> <p>15 and a peer officer. Well, in this case, you had a</p> <p>16 peer sergeant and a peer officer, because I was</p> <p>17 involved, so there's a peer on the board for each</p> <p>18 rank that's involved.</p> <p>19 Q And by name, who are the individuals that</p> <p>20 were on your tactical review board?</p> <p>21 A My recollection, it's Assistant Sheriff Tim</p> <p>22 Kelly, Deputy Chief, is it John McGrath? John</p> <p>23 McGrath, Captain John Pelletier, P-E-L-L-E-E-T-I-E-R</p> <p>24 [sic]. And the peer sergeant was Ryan Evans, and the</p> <p>25 peer officer, I believe, was Travis Ivie, I think.</p>
<p style="text-align: right;">Page 59</p> <p>1 A There's a tactical review board and a</p> <p>2 use-of-force review board. They're usually held the</p> <p>3 same day. First, you have the use-of-force review</p> <p>4 board going over the actual force that was used, and</p> <p>5 then you have the tactical review board reviewing the</p> <p>6 tactics that were employed during the incident.</p> <p>7 Q Did you go through both of those?</p> <p>8 A Yes.</p> <p>9 Q And is that automatic, or is that something</p> <p>10 that you have to request?</p> <p>11 A No. It's something that's automatic on an</p> <p>12 officer-involved shooting, in-custody death, any</p> <p>13 major incident. The officer of internal oversight</p> <p>14 will initiate that investigation.</p> <p>15 Q And this was an in-custody death, correct?</p> <p>16 A Correct.</p> <p>17 Q Why is it an in-custody death?</p> <p>18 A Because Tashii Farmer died while he was in</p> <p>19 our custody or during our interaction with him.</p> <p>20 Q Who is on the use-of-force board? Let me</p> <p>21 rephrase that. For you, who was on the use-of-force</p> <p>22 board?</p> <p>23 A I -- to the best of my recollection, I was</p> <p>24 not a subject of the use-of-force board. I was a</p> <p>25 witness on the use-of-force board. On the</p>	<p style="text-align: right;">Page 61</p> <p>1 Q And tell me about that process. I just</p> <p>2 don't know much about it, so...</p> <p>3 A So the Critical Incident Review Team does</p> <p>4 their review of the critical incident, puts together</p> <p>5 a presentation, presents it to the board. The board</p> <p>6 asks questions of the detective presenting the</p> <p>7 presentation, of the officers that were involved in</p> <p>8 the incident, and we also have representatives there</p> <p>9 to also ask questions, clarify, and then they</p> <p>10 convene, deliberate, whatever you want to call it,</p> <p>11 and then they come back and issue their findings.</p> <p>12 Q So in this case, who was the detective that</p> <p>13 was presenting the case on behalf of CIRT?</p> <p>14 A It was Kasey Kirkegard, K-I-R-K-E-G-A-R-D, I</p> <p>15 think.</p> <p>16 Q And was it -- is that a male or female?</p> <p>17 A Female.</p> <p>18 Q Was it her position that you failed to</p> <p>19 intercede?</p> <p>20 A No.</p> <p>21 Q What was her position?</p> <p>22 A She informed me upon reviewing the case that</p> <p>23 it was not CIRT's determination that I failed to</p> <p>24 intervene.</p> <p>25 Q Did you have any questions at your tactical</p>

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17 (Pages 62 to 65)

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<p>1 review board about the subject of intervening?</p> <p>2 A Yes.</p> <p>3 Q And who was in the room with you when those</p> <p>4 questions were asked?</p> <p>5 A All of those people. There's a little bit</p> <p>6 of an audience. There's a person taking down the</p> <p>7 note- -- the minutes. My lieutenant was there. And,</p> <p>8 of course, I had two representatives from the PMSA.</p> <p>9 The officers that were involved, they each had a</p> <p>10 representative.</p> <p>11 Q When you say there was somebody taking down</p> <p>12 the minutes, like a court reporter?</p> <p>13 A I believe it's one of our people, like an</p> <p>14 administrative assistant.</p> <p>15 Q And do they have a machine like we see here</p> <p>16 today or --</p> <p>17 A I don't remember.</p> <p>18 Q Is it recorded?</p> <p>19 A Yes.</p> <p>20 Q How is it recorded?</p> <p>21 A I believe it was audio and transcribed.</p> <p>22 MR. LAGOMARSINO: Are we going to -- are you</p> <p>23 going to produce those?</p> <p>24 MR. ANDERSON: I'm not sure it's accurate,</p> <p>25 but I'll look and see what...</p>	<p>1 I'm using the wrong terminology. Were there charges</p> <p>2 that were presented at the review board?</p> <p>3 A It's all pretty convoluted, to be honest</p> <p>4 with you.</p> <p>5 Q Okay.</p> <p>6 A Yes, there are policy violations.</p> <p>7 Q And which policy violations were presented</p> <p>8 to the review board from CIRT pertaining to you?</p> <p>9 A That would be neglect of duty, major</p> <p>10 incident and all-hazard plan and body-worn camera.</p> <p>11 Q And which charges were sustained?</p> <p>12 A Major incident, all-hazard plan and</p> <p>13 body-worn camera.</p> <p>14 Q And were you told why neglect of duty was</p> <p>15 not sustained?</p> <p>16 A No.</p> <p>17 Q Are you informed of -- is it like a majority</p> <p>18 vote from the board, or how does it work? Do you</p> <p>19 know?</p> <p>20 A I have no idea. Ultimately the -- I'll take</p> <p>21 that back. Ultimately the decision rests with the</p> <p>22 chairman of that board, which is the assistant</p> <p>23 sheriff. There is a vote, there is deliberation, but</p> <p>24 that's the way it was explained to me.</p> <p>25 Q And at least with respect to neglect of</p>
Page 63	Page 65
<p>1 MR. LAGOMARSINO: Yeah. We just want all</p> <p>2 the -- I don't have anything from the review board.</p> <p>3 MR. ANDERSON: All right.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q So who asked you personally about the</p> <p>6 subject of intervening?</p> <p>7 A Gosh, Captain Pelletier definitely did. I'm</p> <p>8 not sure who else.</p> <p>9 Q On the board itself, who are the policy</p> <p>10 makers on that board?</p> <p>11 MR. ANDERSON: Objection. Form.</p> <p>12 THE WITNESS: I mean, can you clarify what</p> <p>13 you mean by a policy maker?</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q Yeah. How are policies arrived at at Metro?</p> <p>16 Do you know?</p> <p>17 A Well, actually, it's -- the entire chain is</p> <p>18 involved in policies. As a sergeant, we would get</p> <p>19 e-mailed lists of potential new policies, and we're</p> <p>20 allowed to give feedback up the chain so they can</p> <p>21 tweak policies and point out what -- if we think</p> <p>22 there's a problem with the policy or whatnot. But</p> <p>23 actual policies get signed all the way up through at</p> <p>24 least the undersheriff, if not the sheriff.</p> <p>25 Q And which alleged charges -- sorry. Maybe</p>	<p>1 duty, would that encompass intervening?</p> <p>2 A Yes.</p> <p>3 Q And basically the review board ratified your</p> <p>4 conduct and said that you did not fail to intervene,</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 Q When you said that there's an audience, is</p> <p>8 it open to the public?</p> <p>9 A No.</p> <p>10 Q Do you recall who was there in the audience?</p> <p>11 A No.</p> <p>12 Q When you were in there, where are you? Are</p> <p>13 you in, like, some kind of courtroom or a --</p> <p>14 A No. It's a big -- big conference room at</p> <p>15 Metro and headquarters.</p> <p>16 Q Over at MLK?</p> <p>17 A Yes.</p> <p>18 Q And what records have you seen from the</p> <p>19 review board process?</p> <p>20 A I mean, I saw the PowerPoint.</p> <p>21 Q Provided the PowerPoint?</p> <p>22 A Yes.</p> <p>23 Q Okay. Did you see, was there like a report</p> <p>24 or recommendation or something like that issued</p> <p>25 after?</p>

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* * * Videotaped Deposition * * *

18 (Pages 66 to 69)

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<p>1 A I mean, my -- when I was not confirmed, that 2 included -- I don't know what you would call it, the 3 conclusions or the findings. 4 Q Are you eligible to -- well, sorry. What's 5 your current rank? 6 A Police officer. 7 Q Are you eligible to move up to sergeant? 8 A They say I am. 9 Q Does Metro have a policy that if you see a 10 fellow officer engaged in excessive force, that you 11 have a duty to intervene? 12 A Yes. 13 Q And does that apply to all officers across 14 the board or only to supervisors? 15 A All officers across the board. 16 Q When -- is it Detective Kirkegard? 17 A Yes. 18 Q When Detective Kirkegard presented the 19 neglect of duty allegation, did she say that you 20 failed to intervene? 21 A I'm not sure I understand. 22 Q What was the -- sorry. What was the basis 23 of the neglect of duty allegation? 24 A So initially it was listed -- when I was 25 first interviewed by CIRT, it was listed as duty to</p>	<p>1 A Correct. 2 Q And who is that for a sergeant? 3 A PMSA, the Police Managers and Supervisors 4 Association. 5 Q Who was there from the PMSA on your behalf? 6 A It was Sergeant Russ Wood and Lieutenant 7 Kurt, K-U-R-T, McKenzie, M-A-C-K-E-N-Z-I-E (sic). 8 Q I saw in some of the statements that Bryan 9 Yant had participated in some of these statements. 10 Do you know who he is? 11 A Yes. 12 Q What do you know about Bryan Yant? 13 A He is a representative with the PPA. 14 Q Were you aware that he had personally shot 15 three individuals when he was an officer? 16 A Yes. 17 Q Were you ever present when he was -- were 18 you ever present at any officer statements besides 19 your own? 20 A No. 21 Q Okay. 22 A I'm sorry, you mean when they gave their 23 initial statement? 24 Q I apologize. So many people gave several 25 statements, correct?</p>
Page 67	Page 69
<p>1 intervene. When it went to the tactical review 2 board, it had been changed to neglect of duty with 3 the recommendation to sustain me for it. 4 Q Okay. So when you say "sustain," they 5 didn't try to make a case that you neglected duty, 6 correct? 7 A They did. 8 Q Oh, they did. Okay. Oh, actually when you 9 say "sustain," a charge. All right. 10 So what was the basis for the neglect of 11 duty charge? 12 A That I failed to intervene. 13 Q And was the allegation that you failed to 14 intervene based on the fact that Lopera was using 15 excessive force? 16 A I don't recall specifically. 17 Q Was the basis of the failure to intervene 18 that Lopera excessively applied the neck restraint? 19 A I don't recall. I think we'd have to look 20 at their report. 21 Q Did you have a -- are you a member of the 22 PPA? 23 A Currently, yes. 24 Q Now, there's a different organization for 25 higher ranks, correct?</p>	<p>1 A When they made a statement at the tactical 2 review board or an initial statement? 3 Q So there's a voluntary statement, right? 4 A Yes. 5 Q And that's pretty short. That's at the 6 scene? 7 A Potentially, yes. 8 Q Then you have the FIT statement, correct? 9 A Correct. 10 Q What does FIT stand for? 11 A Force Investigation Team. 12 Q Then there's a CIRT statement, correct? 13 A Correct. 14 Q So you've given all three of those, correct? 15 A It would just be -- we wouldn't do a 16 voluntary statement. I gave a statement to FIT at 17 the scene, and then roughly 48 hour- -- two days 18 later I gave a statement to CIRT. 19 Q Have you given any other statements in this 20 case? 21 A The deposition, grand jury. 22 Q Who represented you at the review board? 23 A That was Russ Wood and Kurt McKenzie. 24 Q There are three different levels of the 25 LVNR, correct?</p>

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* * * Videotaped Deposition * * *

19 (Pages 70 to 73)

<p style="text-align: right;">Page 70</p> <p>1 A Correct.</p> <p>2 Q Can you describe those?</p> <p>3 A Level 1 would be when you have just the hold</p> <p>4 in place and you're not applying any pressure. It's</p> <p>5 also called zero degrees.</p> <p>6 Level 2, I believe, is 20 degrees when</p> <p>7 you're applying medium pressure to the chest and to</p> <p>8 the sides of the neck.</p> <p>9 And then 45 is 45 degrees and maximum</p> <p>10 pressure.</p> <p>11 Q If you don't mind, please turn to Page 53.</p> <p>12 A Okay.</p> <p>13 MR. MCNUTT: 5-0?</p> <p>14 MR. LAGOMARSINO: 53.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q Question at Line 14, it says: "Had you --</p> <p>17 can you determine whether an officer is using Level</p> <p>18 1, Level 2 or Level 3?"</p> <p>19 And your answer was: "I mean, other than</p> <p>20 sticking your hand in between their arm and the</p> <p>21 person's neck or verbally confirming with them what</p> <p>22 level they're in."</p> <p>23 Is that the only way to determine whether</p> <p>24 they're using Level 1, Level 2 or Level 3?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q When you turned him over, did you put him</p> <p>2 face down on the pavement?</p> <p>3 A So to get the handcuffs on, he has to go</p> <p>4 face down on the payment, handcuffs go on, he</p> <p>5 immediately got turned back over face up.</p> <p>6 Q Okay. And did all three of you -- strike</p> <p>7 that.</p> <p>8 Did all four of you turn him over on his</p> <p>9 stomach and then roll him back, Flores, Tran,</p> <p>10 yourself and Lopera?</p> <p>11 A Roughly, at least two or more of us.</p> <p>12 Q Who is handcuffing Tashii after you rolled</p> <p>13 him over, principally?</p> <p>14 A I had the left handcuff, and I don't</p> <p>15 remember who put on the right handcuff, and we joined</p> <p>16 them together.</p> <p>17 Q I'll refresh your recollection here at</p> <p>18 Page 64.</p> <p>19 It says: "All right. And then the other</p> <p>20 handcuff, do you know who attached that to the other</p> <p>21 arm?"</p> <p>22 "ANSWER: No."</p> <p>23 And then it says: "And then he was -- were</p> <p>24 both handcuffs attached to both of his arms before he</p> <p>25 was placed face down?"</p>
<p style="text-align: right;">Page 71</p> <p>1 Q Is it hard to determine what angle a</p> <p>2 restraint is being applied at when it's being applied</p> <p>3 from the back?</p> <p>4 A Yes.</p> <p>5 Q Why is that?</p> <p>6 A If you're doing a standing or maybe a</p> <p>7 kneeling LVNR, then you see the back arm. And as you</p> <p>8 apply more pressure, theoretically your back elbow</p> <p>9 goes up higher. When you're back lying LVNR, your</p> <p>10 arm is against the ground if you put it back, so</p> <p>11 you're trained to tuck it under and have your forearm</p> <p>12 flat against the subject's back.</p> <p>13 Q When you first noticed that Tashii was</p> <p>14 unconscious, was it because his eyes were closed that</p> <p>15 you believed he was unconscious?</p> <p>16 Let's take you to Page 61.</p> <p>17 A Okay.</p> <p>18 Q And when there's a pause, I'm skipping</p> <p>19 questions, so...</p> <p>20 A Okay.</p> <p>21 Q So going to Line 17: "Well, was it the fact</p> <p>22 that his eyes were closed? Is that what caused you</p> <p>23 to believe that he was unconscious?"</p> <p>24 And what was your answer?</p> <p>25 A "Yes, sir. Initially."</p>	<p style="text-align: right;">Page 73</p> <p>1 And I think the answer was: "I'm not sure</p> <p>2 if the other one was."</p> <p>3 Then answer -- or "QUESTION: Okay. So he</p> <p>4 was placed face down, one arm was pulled over to the</p> <p>5 back, the other arm was pulled over next to it, and</p> <p>6 the two handcuffs were cuffed together and attached?"</p> <p>7 And what was your answer?</p> <p>8 A "Correct."</p> <p>9 Q And then: "So then you believe that took</p> <p>10 five to ten seconds?"</p> <p>11 And what was your answer?</p> <p>12 A "I believe so."</p> <p>13 Q And then: "QUESTION: Who was principally</p> <p>14 doing the handcuffing?"</p> <p>15 What was your answer?</p> <p>16 A "Officers Flores and Tran."</p> <p>17 Q Then the next question, it says: "So is it</p> <p>18 fair to say during the time he was being handcuffed,</p> <p>19 you don't know if he was -- there was any sign of</p> <p>20 resistance?"</p> <p>21 Is it correct that you didn't know if he was</p> <p>22 resisting at that time?</p> <p>23 A Correct.</p> <p>24 Q Is CIRT internal affairs?</p> <p>25 A No.</p>

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* * * Videotaped Deposition * * *

20 (Pages 74 to 77)

Page 74	Page 76
<p>1 Q So maybe you can help me clarify this. So 2 at Line -- at Page 66, Line 2, by Mr. Sayre: "Now, 3 so somebody levied the charge at you initially. Was 4 that internal affairs?" 5 And your answer was, "Yes." 6 Is that correct or incorrect? 7 A It's incorrect. 8 Q Okay. And then you clarified: "It was our 9 Critical Incident Review Team." 10 Correct? 11 A Correct. 12 Q And the head of that was Kelly McMahon? 13 A Yes. 14 Q And that's a female, correct? 15 A Yes. 16 Q Did Tran and Flores also testify at the 17 tactical board? 18 A Yes. 19 Q Do you know what they were charged with? 20 A Body-worn camera, I believe. 21 Q Okay. So then the next question was: "What 22 other charges were levied against you besides that 23 one?" 24 "ANSWER: Major incident and all-hazard 25 plan, sometimes more commonly known as ICS or</p>	<p>1 A "No, I didn't observe anything." 2 Q Did you ever see Officer Flores attempt to 3 intervene to remove his hands from the neck of 4 Mr. Farmer? 5 A No. 6 Q You're wearing glasses today, correct? 7 A Yes. 8 Q For the record, were you wearing glasses 9 that day? 10 A Yes. 11 Q So there are different levels of resistance, 12 correct -- 13 A Correct. 14 Q -- that you're trained on, correct? 15 What are the different levels that you're 16 trained on? 17 A You have compliance, passive resistance, 18 active resistance, aggressive and aggravated 19 aggressive. 20 Q Based on your review of the video, did you 21 see Mr. Farmer actively resisting? 22 A Passive to active, yes. 23 Q All right. So we can go to Page 72, Line 3: 24 "Okay. Now, you've looked at the video more than one 25 time?"</p>
Page 75	Page 77
<p>1 incident command system." 2 What does that mean? 3 A It means the care and control of the 4 incident after the fact, setting up a command post, 5 setting up a perimeter, gathering your witnesses, 6 calling all the necessary resources in, specialized 7 units. 8 Q Was that sustained against you? 9 A It was. 10 Q How was that sustained if -- I mean, well, 11 at that point, I guess you didn't know there was a 12 death, correct? 13 A Correct. 14 Q If you knew that there was a death, you 15 would not be responsible for that, correct? 16 A Depends on who you ask. 17 Q It's unclear? 18 A It's unclear. 19 Q All right. So going to Page 68, Line 13: 20 "QUESTION: To your observation, at any time did 21 Officer Tran attempt to intervene to get Officer 22 Lopera to remove his hands from the neck of 23 Mr. Farmer?" 24 After an objection to form, your answer was 25 what?</p>	<p>1 "Yes." 2 What were you -- when -- just for our record 3 here, what video are you talking about? 4 A Lopera's body-worn camera and the 5 surveillance video from the Venetian. 6 Q Okay. And "QUESTION: Have you, at any time 7 in looking at the body camera video, seen Mr. Farmer 8 actively resisting?" 9 What was your answer then? 10 A "No." 11 Q Little different question: I think I saw in 12 CIRT they had -- they reference it anywhere from 13 passive to active and back and forth. 14 A Uh-huh. 15 Q Regardless of whether it was active 16 resistance or passive resistance, did you ever see 17 anything in the video that would justify him being 18 tased? 19 A Not -- 20 MR. MCNUTT: Objection. Form. 21 THE WITNESS: Not necessarily. 22 BY MR. LAGOMARSINO: 23 Q Did you ever see anything in the video that 24 would justify Tashii being hit on the head 10 to 12 25 times?</p>

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* * * Videotaped Deposition * * *

21 (Pages 78 to 81)

Page 78	Page 80
<p>1 MR. MCNUTT: Objection. Form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q Did you see anything in the video that would</p> <p>5 justify a lateral vascular neck restraint?</p> <p>6 MR. MCNUTT: Same objection.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. LAGOMARSINO:</p> <p>9 Q Now, you were talking to the fire department</p> <p>10 when they arrived, correct?</p> <p>11 A Yes.</p> <p>12 Q And you, I believe you used the word "choke"</p> <p>13 or "choke hold," something along those lines,</p> <p>14 correct?</p> <p>15 A I did.</p> <p>16 Q And did you do that because it wasn't, in</p> <p>17 your view, an LVNR, or were you just trying to make</p> <p>18 the translation better for the fire department?</p> <p>19 A I was trying to translate for the fire</p> <p>20 department.</p> <p>21 Q Okay. Do -- are you a UFC fan?</p> <p>22 A No.</p> <p>23 Q How many times, to your knowledge, did</p> <p>24 Lopera cycle his taser?</p> <p>25 A To my knowledge, I believe it was seven.</p>	<p>1 Q Well, let me rephrase.</p> <p>2 A Sorry.</p> <p>3 Q You just said you read from something. What</p> <p>4 did you read, what document?</p> <p>5 A The news or the paper that some doctors</p> <p>6 had -- other doctors had testified.</p> <p>7 Q Officer Lopera retained, I think, Force</p> <p>8 Science, have you heard of them?</p> <p>9 A I've heard of them, yes.</p> <p>10 Q What have you heard about Force Science?</p> <p>11 A That they study police use of force.</p> <p>12 Q Have you ever heard of whether Force Science</p> <p>13 has ever found that a police officer was not</p> <p>14 justified?</p> <p>15 A I have not.</p> <p>16 Q In any event, you've heard that from other</p> <p>17 sources, correct?</p> <p>18 A Yes.</p> <p>19 MR. LAGOMARSINO: All right. I think it's a</p> <p>20 good time to go to lunch.</p> <p>21 THE VIDEOGRAPHER: We are going off the</p> <p>22 record. The time is approximately 12:02 p.m.</p> <p>23 (Lunch recess.)</p> <p>24 THE VIDEOGRAPHER: The time is approximately</p> <p>25 1:16 p.m. We are back on the record.</p>
Page 79	Page 81
<p>1 Q And did you believe that to be out of</p> <p>2 policy?</p> <p>3 A Pol- --</p> <p>4 MR. MCNUTT: Objection. Form.</p> <p>5 THE WITNESS: Sorry.</p> <p>6 Policy says that after three cycles the</p> <p>7 officer should consider another force option.</p> <p>8 BY MR. LAGOMARSINO:</p> <p>9 Q Have you reviewed the coroner's report in</p> <p>10 this case?</p> <p>11 A No.</p> <p>12 Q Are you aware of what the coroner determined</p> <p>13 to be the cause of death?</p> <p>14 A Vaguely.</p> <p>15 Q Are you aware that it was determined to be</p> <p>16 asphyxiation?</p> <p>17 A Yes.</p> <p>18 Q Do you have any reason, to your knowledge,</p> <p>19 to disagree with that?</p> <p>20 MR. ANDERSON: Objection. Form.</p> <p>21 THE WITNESS: I know that there were other</p> <p>22 arguments made about it, just from what I read.</p> <p>23 BY MR. LAGOMARSINO:</p> <p>24 Q What did you read?</p> <p>25 A Just about --</p>	<p>1 (Plaintiff's Exhibit No. 2 was marked</p> <p>2 for identification.)</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q Mr. Crumrine, did you give a statement to</p> <p>5 the Critical Incident Review Team?</p> <p>6 A Yes.</p> <p>7 Q It's also known as CIRT, correct?</p> <p>8 A Yes.</p> <p>9 Q What is your understanding of CIRT's</p> <p>10 function?</p> <p>11 A CIRT's function is to investigate the</p> <p>12 tactics and policies as they apply to critical</p> <p>13 incidents that occurred on the department and make</p> <p>14 recommendations for policy changes, discipline.</p> <p>15 Q Have you ever reviewed your statement from</p> <p>16 CIRT?</p> <p>17 A Yes.</p> <p>18 Q Have you ever reviewed anybody else's</p> <p>19 statement from CIRT?</p> <p>20 A No.</p> <p>21 Q Have you reviewed the CIRT report that was</p> <p>22 issued with recommendations out of this incident?</p> <p>23 A Yes.</p> <p>24 Q And when did you do that?</p> <p>25 A Roughly -- it was two days, I think two</p>

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* * * Videotaped Deposition * * *

22 (Pages 82 to 85)

Page 82	Page 84
<p>1 days, or the day before the tactical review report.</p> <p>2 Q When you gave your statement, where were</p> <p>3 you?</p> <p>4 A In the CIRT office at headquarters.</p> <p>5 Q And who was present?</p> <p>6 A Myself, Detective Pat Hughes, Detective</p> <p>7 Kasey Kirkegard, Sergeant Kyle Ward, Lieutenant Dan</p> <p>8 Bledsoe, Russ Wood, Jay Roberts and Kurt McKenzie.</p> <p>9 Q And did you understand that the conversation</p> <p>10 was being recorded?</p> <p>11 A Yes.</p> <p>12 Q And was there a person there that was also</p> <p>13 transcribing similar to what you described earlier</p> <p>14 today?</p> <p>15 A I believe it was just recorded.</p> <p>16 Q Did you understand that you had an</p> <p>17 obligation to be truthful?</p> <p>18 A Yes.</p> <p>19 Q And on Page 3 of the statement, there's an</p> <p>20 instruction from Kasey Kirkegard regarding</p> <p>21 self-incrimination?</p> <p>22 A Yes.</p> <p>23 Q It says: "Self-incrimination. Because you</p> <p>24 are being compelled to answer questions in an</p> <p>25 employee -- I'm sorry -- as an employee under the</p>	<p>1 statement?</p> <p>2 A I believe it was my body-worn camera.</p> <p>3 Q And then it says: "Were you able to listen</p> <p>4 to the audio as well?"</p> <p>5 What audio did you listen to?</p> <p>6 A Audio from the body-worn camera.</p> <p>7 Q Your CIRT statement was quite long, correct?</p> <p>8 A Yes.</p> <p>9 Q And you have reviewed it before?</p> <p>10 A Yes.</p> <p>11 Q If, at any time that we go through this, it</p> <p>12 doesn't appear to be a true and correct copy of your</p> <p>13 statement, please let us know. Okay?</p> <p>14 A Okay.</p> <p>15 Q All right. Going to Page 8, the question</p> <p>16 was: "Were you wearing body armor that night?"</p> <p>17 You were, correct?</p> <p>18 A Yes.</p> <p>19 Q Was Officer Lopera wearing body armor?</p> <p>20 A To the best of my knowledge, yes.</p> <p>21 Q Okay. And you were wearing a body camera</p> <p>22 that night, correct?</p> <p>23 A Correct.</p> <p>24 Q And so I will kind of ask you the questions.</p> <p>25 If it's changed, let us know. But where did you</p>
Page 83	Page 85
<p>1 threat of termination, your statements, any</p> <p>2 information or evidence which is gained through such</p> <p>3 questioning cannot be used against you in any</p> <p>4 criminal proceeding. Do you understand this right?"</p> <p>5 And what did you say?</p> <p>6 A "Yes."</p> <p>7 Q Did you understand that your CIRT statement,</p> <p>8 however, could be used in a civil proceeding?</p> <p>9 A Yes.</p> <p>10 Q Please go to Page 4. Line 9 says: "All</p> <p>11 right. Travis, you just stated your name and</p> <p>12 P-number, but there's quite a few other people in</p> <p>13 this room for the investigation. I'd like to have</p> <p>14 everybody identify themselves to help the</p> <p>15 transcriptionist. My name is Patrick Hughes. My</p> <p>16 P-number is 9084. And we'll just move to the left."</p> <p>17 And then a series of people were introducing</p> <p>18 themselves, correct?</p> <p>19 A Correct.</p> <p>20 Q There's a question on Page 5 at Line 4, it</p> <p>21 says: "Prior to this interview starting, did you --</p> <p>22 were you able to re-review all the video that we</p> <p>23 talked about?"</p> <p>24 And your answer was, "Yes."</p> <p>25 What video did you review before the CIRT</p>	<p>1 position your body camera at that time?</p> <p>2 A On my right epaulette on my -- top of my</p> <p>3 shoulder.</p> <p>4 Q And: "QUESTION: And is that normally where</p> <p>5 you pushin' it -- position it?"</p> <p>6 And the answer was, "Yes."</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q And where is the activation button kept?</p> <p>10 A On my vest underneath my shirt.</p> <p>11 Q Is it fairly easy to activate your camera?</p> <p>12 A Yes.</p> <p>13 Q And is there a wire that runs from the</p> <p>14 camera?</p> <p>15 A Yes.</p> <p>16 Q Can you explain where it runs?</p> <p>17 A Basically, so the battery pack is here on my</p> <p>18 vest under my shirt, and the wire runs out between</p> <p>19 the buttons on my shirt, around my neck to the</p> <p>20 camera.</p> <p>21 Q So next question is: "Are you CIT</p> <p>22 certified?"</p> <p>23 What does CIT stand for?</p> <p>24 A Crisis Intervention Team.</p> <p>25 Q And it says: "Are you instructor</p>

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23 (Pages 86 to 89)

Page 86	Page 88
<p>1 development certified?"</p> <p>2 What is instructor development?</p> <p>3 A It means you're certified to teach classes.</p> <p>4 Q Which classes were you certified to teach?</p> <p>5 A None specifically. I had just taken the</p> <p>6 class that makes you certified to teach classes.</p> <p>7 Q To teach classes. Okay. And then you'd</p> <p>8 have to be certified to teach a specific class?</p> <p>9 A Yes.</p> <p>10 Q Okay. Were there any crisis intervention</p> <p>11 team elements that were present in this case?</p> <p>12 A Can you be more specific?</p> <p>13 Q Sure. Was there anything in your mind that</p> <p>14 would implicate crisis intervention in Tashii's case?</p> <p>15 A It could have. It certainly could have had</p> <p>16 the potential to have those elements.</p> <p>17 Q Did it cross your mind when you first</p> <p>18 arrived at the scene that maybe Tashii was in crisis?</p> <p>19 A Yes.</p> <p>20 Q And based on what?</p> <p>21 A Based on that he's in a physical</p> <p>22 confrontation with my officer.</p> <p>23 Q Okay. Next question was: "Are you</p> <p>24 certified in defensive tactics?"</p> <p>25 What was your answer?</p>	<p>1 A Drug recognition expert has gone through</p> <p>2 more extensive training to identify physical signs of</p> <p>3 impairment.</p> <p>4 Q And that evening, you were riding in the</p> <p>5 Crown Victoria?</p> <p>6 A Correct.</p> <p>7 Q Going to Page 12. So I touched on this</p> <p>8 earlier, but just so we can kind of get some context</p> <p>9 here, it says: "How long have you been a supervisor</p> <p>10 for Lopera?" 7 and 8?</p> <p>11 And you said: "About March 11th."</p> <p>12 Correct?</p> <p>13 A Correct.</p> <p>14 Q And the next question was: "Okay. Have you</p> <p>15 ever supervised him outside of the flex squad?"</p> <p>16 What does -- what does that mean?</p> <p>17 A Had he ever been on another squad that I</p> <p>18 supervised, I believe is what he was asking.</p> <p>19 Q All right. And your answer was "No"?</p> <p>20 A Correct.</p> <p>21 Q I believe I asked you this earlier, you had</p> <p>22 never supervised over a use of force where he was the</p> <p>23 subject of a pursuit, correct?</p> <p>24 A Correct.</p> <p>25 Q Okay. And what is a citizen contact report?</p>
Page 87	Page 89
<p>1 A "No."</p> <p>2 Q Are you certified today?</p> <p>3 A No.</p> <p>4 Q Were you required to be certified in</p> <p>5 defensive tactics?</p> <p>6 A No.</p> <p>7 Q Is there a separate certification for the</p> <p>8 LVNR, or does that fall under the umbrella of</p> <p>9 defensive tactics?</p> <p>10 A It falls under the umbrella of defensive</p> <p>11 tactics.</p> <p>12 Q So you're not a firearms instructor,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q And then it says: "Are you HGN certified?"</p> <p>16 What is that, horizontal gaze nystagmus?</p> <p>17 A Correct.</p> <p>18 Q And what is that?</p> <p>19 A That's the -- to detect impairment by</p> <p>20 watching a subject's pupils, their eyes.</p> <p>21 Q And we asked you this earlier, you're not</p> <p>22 drug and recognition -- strike that.</p> <p>23 You're not DRE certified, correct?</p> <p>24 A Correct.</p> <p>25 Q And what is that?</p>	<p>1 A A citizen contact would be where a citizen</p> <p>2 is complaining about an officer's actions. And it</p> <p>3 doesn't rise to the level of maybe a formal</p> <p>4 complaint, but we still formalize it in a citizen</p> <p>5 contact, which is still under the umbrella of our use</p> <p>6 of force policy, that we just document what the</p> <p>7 citizen's complaints were, what our investigation was</p> <p>8 and what steps we took to prove, disprove, whatever.</p> <p>9 Q Do you know if Officer Lopera ever had a</p> <p>10 citizen contact report?</p> <p>11 A I don't.</p> <p>12 Q But in any event, you didn't supervise him</p> <p>13 on a citizen contact report, correct?</p> <p>14 A No, sir.</p> <p>15 Q And then are citizen contact reports, to</p> <p>16 your knowledge, kept in your employment file?</p> <p>17 A No, I don't believe so.</p> <p>18 Q Okay. And does Metro have a policy of</p> <p>19 removing personnel actions from your employment file</p> <p>20 after a certain amount of time?</p> <p>21 A Yes.</p> <p>22 Q What is that policy?</p> <p>23 A I'm not sure. But there's purge dates after</p> <p>24 a certain amount of time.</p> <p>25 Q The file is purged at some point, correct?</p>

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* * * Videotaped Deposition * * *

24 (Pages 90 to 93)

Page 90	Page 92
<p>1 A Yes.</p> <p>2 Q Next question at Line 17: "And anything</p> <p>3 that didn't involve a formal investigation could have</p> <p>4 been cleared out just in CAD."</p> <p>5 What is that?</p> <p>6 A CAD is the computer-aided dispatch system.</p> <p>7 Q Okay. Sorry. That was a bad question.</p> <p>8 What would anything that didn't involve a formal</p> <p>9 investigation that could have been cleared out mean?</p> <p>10 A Oh, God. I mean, if you just had someone</p> <p>11 complaining, you know, the officers were</p> <p>12 disrespectful to me or, I mean, probably the most</p> <p>13 common complaint is that they didn't -- the person</p> <p>14 didn't break the law or that the officers don't have</p> <p>15 probable cause to arrest the person.</p> <p>16 Q Had you ever witnessed Officer Lopera arrest</p> <p>17 anybody before this incident?</p> <p>18 A I'm sure I did.</p> <p>19 Q Do you have a specific recollection of it?</p> <p>20 A No.</p> <p>21 Q Other than giving him the midnight briefing</p> <p>22 or the roll call, do you have a specific recollection</p> <p>23 as you sit here today of observing Officer Lopera or</p> <p>24 supervising him?</p> <p>25 A Yes.</p>	<p>1 A The flex teams are not exactly a specialized</p> <p>2 unit, but at the station level, it's kind of</p> <p>3 considered a -- I don't know if I want to say special</p> <p>4 squad, but it's not doing the normal patrol function.</p> <p>5 And it's at the captain's discretion that -- what the</p> <p>6 flex teams to be. Sometime -- some places flex</p> <p>7 squads are in tan uniforms, some places they wear</p> <p>8 green, some places they are in plain clothes.</p> <p>9 Q Are you able to estimate what percentage of</p> <p>10 Metro officers that the public deals with wear tan</p> <p>11 uniforms?</p> <p>12 A It's hard to say.</p> <p>13 Q Would you say, like, the overwhelming</p> <p>14 majority of officers wear tan uniforms?</p> <p>15 A Tan uniforms or maybe plain clothes even.</p> <p>16 Q How unique is that BDU uniform?</p> <p>17 A For -- at Convention Center specifically,</p> <p>18 you have got roughly probably at the moment, even</p> <p>19 presently, about 28 officers that are on flex squads.</p> <p>20 So out of something like 235 officers assigned to</p> <p>21 Convention Center, just over 10 percent of them are</p> <p>22 in green uniforms.</p> <p>23 Q They look like army uniforms?</p> <p>24 A I mean, they're not camouflage. They're</p> <p>25 just plain green BDUs. Honestly, we should probably</p>
Page 91	Page 93
<p>1 Q And what is your specific recollection?</p> <p>2 A Just in the times that you first asked the</p> <p>3 question the first time sort of, he made a stop over</p> <p>4 by Top Golf, if you know where that is on Koval and</p> <p>5 Trop, of a guy who was carrying a firearm, concealed.</p> <p>6 He made a stop on Flamingo and Paradise with</p> <p>7 a subject who was carrying a firearm illegally; I</p> <p>8 believe it was stolen. So yes.</p> <p>9 Q Okay. So you have those two recollections,</p> <p>10 is what you remember?</p> <p>11 A At least, yes.</p> <p>12 Q As you sit here today, can you remember any</p> <p>13 others?</p> <p>14 A Not off --</p> <p>15 Q Okay. There was some discussion at -- on</p> <p>16 Line 14 -- or excuse me, Page 14, about the uniforms</p> <p>17 you guys were wearing.</p> <p>18 A Yes.</p> <p>19 Q What was Officer Lopera wearing that</p> <p>20 evening?</p> <p>21 A He was wearing our green BDU type uniform.</p> <p>22 Q What is that?</p> <p>23 A It's one of the uniforms that specialized</p> <p>24 units on the department sometimes wear.</p> <p>25 Q Was he in a specialized unit?</p>	<p>1 switch to them for everybody because they're much</p> <p>2 less expensive than the tan ones.</p> <p>3 Q Do you recall having pictures taken of you</p> <p>4 that evening?</p> <p>5 A I don't.</p> <p>6 Q Do you know if Officer Lopera had pictures</p> <p>7 taken of him in what he was wearing?</p> <p>8 A Yes.</p> <p>9 MR. LAGOMARSINO: And, again, I'm not sure</p> <p>10 if we have it or not, but I'd just request that we</p> <p>11 get those.</p> <p>12 MR. ANDERSON: Yeah. Okay.</p> <p>13 BY MR. LAGOMARSINO:</p> <p>14 Q Okay. Going to Page 16, actually starting</p> <p>15 at 15, going on to 16, there were some questions</p> <p>16 about do you know -- I guess you said you were</p> <p>17 already headed to the Venetian for something?</p> <p>18 A Yeah.</p> <p>19 Q Now, to this day, can you remember --</p> <p>20 A I still don't. I still think about it from</p> <p>21 time to time. I still don't remember what it was I</p> <p>22 was going there for.</p> <p>23 Q Was that a place where you would get coffee</p> <p>24 regularly?</p> <p>25 A Yeah. Maybe once a week or so.</p>

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* * * Videotaped Deposition * * *

25 (Pages 94 to 97)

Page 94	Page 96
<p>1 Q Okay. And then you would talk to security 2 managers there? 3 A Yes. 4 Q And what would you talk to those security 5 managers about? 6 A Just any issues that they were having. I 7 basically -- understand that I spent of my 13-odd 8 years on the department, I spent 12-odd of them on 9 graveyard on the Strip in one capacity or another. 10 So when I was in vice, I was dealing with security on 11 the Strip. It's kind of what I'm most comfortable 12 with. So some of these people I've known for a long 13 time. 14 I remember Venetian did have a brand new 15 security supervisor on graveyard. That might have 16 been why I was going to meet that person. 17 Q I think this is going to be a slightly 18 different question than what I asked you: When you 19 heard the radio traffic about the call at the 20 Venetian, did you understand any of it? 21 A No. 22 Q And you were not sure who was broadcasting 23 the traffic, correct? 24 A Correct. 25 Q To you, did it sound like a fight or a foot</p>	<p>1 Officer Lopera?" 2 And then it appears that your answer was: 3 "Okay. Um, I would say he's in active for the most 4 part. He is definitely not trying to get away. He 5 is providing resistance to Officer Lopera." 6 So at any time, did you see Tashii trying to 7 get away? 8 A No. 9 Q What is the difference between active 10 resistance and aggressive resistance? 11 A Actions taken to -- with the intent of 12 harming the officer. 13 Q Did you ever see any actions taken by Tashii 14 that indicated to you he was trying to harm the 15 officer? 16 A No. 17 Q Are citizens allowed to resist an officer 18 who is using excessive force on them? 19 MR. ANDERSON: Objection. Form. 20 THE WITNESS: Yes, I think if that's 21 evident, yeah. 22 BY MR. LAGOMARSINO: 23 Q All right. Next Line 21, or excuse me, 24 Page 21, 2-1, Line 9, so it looks like they're 25 reciting something that you may have said in your FIT</p>
Page 95	Page 97
<p>1 pursuit? 2 A Yeah. Yes. 3 Q On the way to the Venetian, do you have a 4 recollection of using your mobile data terminal or 5 MDT? Did I say that right? 6 A Yeah. 7 No. 8 Q All right. Are you able to run or do you 9 know if Metro is able to see if you did use your MDT? 10 A Possibly. 11 Q Prior to arriving, did you know where 12 Officer Lopera was? 13 A No. 14 Q At any time, did you ever see Tashii punch 15 or strike Officer Lopera? 16 A At any time when I was on scene? 17 Q Right. 18 A No. 19 Q Going to Page 20, please. 20 MR. MCNUTT: 2-0? 21 MR. LAGOMARSINO: Yeah, 20. 22 BY MR. LAGOMARSINO: 23 Q So the question at Line 20, "They're both on 24 the ground. I was asking you what level of 25 resistance do you think the officer was showing to</p>	<p>1 statement. It says: "I saw them on the ground. And 2 as I got out of the car, I already knew he had him in 3 an LVNR." 4 And then the question, just for 5 clarification: "Did you see Officer Lopera apply the 6 LVNR, or was the LVNR already applied?" 7 And your answer was: "I saw him apply the 8 LVNR." 9 Correct? 10 A Correct. 11 Q So as you're approaching him, he is going 12 into the LVNR, correct? 13 A Correct. 14 Q And what training had you received regarding 15 the LVNR? 16 A Training in the academy, and then it's a 17 part of quarterly defensive tactics training at least 18 once a year, sometimes more often. 19 Q Had you ever watched a video on LVNRs? 20 A Maybe. 21 Q Okay. I think we -- if we have one later, 22 maybe it will refresh your recollection, or maybe 23 not, but -- 24 A Oh, I have watched that video, yes. Not in 25 my training had I watched the video.</p>

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* * * Videotaped Deposition * * *

26 (Pages 98 to 101)

Page 98	Page 100
<p>1 Q Okay. Do you know, was that video created 2 before this incident or after? 3 A To the best of my knowledge, it was created 4 after. 5 Q The -- was it -- had you ever received any 6 other LVNR training before joining Metro? 7 A No. 8 Q So was it based on your training with Metro 9 that you believed that Officer Lopera had Tashii in 10 an LVNR? 11 A Yes. 12 Q At all times did you believe at the scene 13 that -- well, strike that. 14 24, please. Was it your understanding that 15 Lopera was trying to apply a back lying LVNR? 16 A Yes. 17 Q All right. 25, please. So you used the 18 phrase in your CIRT statement that Lopera was 19 fighting. Were you using it in the sense of, like, 20 he was boxing, or was it like he just wasn't -- or 21 that he was just resisting? 22 MR. MCNUTT: Objection. Form. 23 MR. LAGOMARSINO: Yeah. That is a terrible 24 question. I'll rephrase. 25 ///</p>	<p>1 Q Okay. Then you were asked: "Did you ever 2 observe Officer Lopera remove either hand or arm away 3 from the suspect while he applied the LVNR?" 4 What was your answer? 5 A Where are we at? 6 Q Oh, I apologize. 7 A I think it was "No." 8 Q So it's 26 at the bottom and then going to 9 27. 10 A Yeah. "No." 11 Q Okay. Same answer today? 12 A Correct. 13 Q Did you personally ever advise Tashii to 14 stop resisting? 15 A Other than, "Put your fucking hands behind 16 your back," that's all I ever said to him. 17 Q Going to Page 29, please. So Line 1, it 18 says: "On Page 4 of your FIT statement, you stated 19 you were able to place a cuff on the subject's left 20 arm. Why weren't you able to place the subject's -- 21 a cuff on the subject's right arm?" 22 And you said: "I couldn't get to it." 23 Why couldn't you get to it? 24 A Like I explained before, when they're -- we 25 had to bring the cuffs behind Farmer's back and</p>
Page 99	Page 101
<p>1 BY MR. LAGOMARSINO: 2 Q You already testified that he wasn't trying 3 to harm Officer Lopera, correct? 4 A Correct. 5 Q And are you using the word "fighting" to 6 mean resisting? 7 A Yes. 8 Q All right. Going to Page 26. There's been 9 some reference to Tashii being on top of Officer 10 Lopera, and so you were asked in the CIRT statement 11 about whether that could be potentially misconstrued 12 to imply that Tashii was in a dominant position. Did 13 you ever see Tashii in a dominant position? 14 A No. 15 Q And when Officer Lopera had him in the LVNR, 16 did Officer Lopera have a certain amount of control 17 over Tashii? 18 A Do you want me to put a percentage to the 19 amount of control I think he had or -- 20 Q Well, you said he had a certain level of 21 control, correct? 22 A Right. 23 Q And he had that level of control over 24 Tashii, correct? 25 A Yes.</p>	<p>1 Lopera's chest is against Farmer's back, they need to 2 separate. 3 Q Okay. So it was based on Officer Lopera's 4 position on Tashii that you couldn't get to his right 5 arm, correct? 6 A I could get to his right arm. I just 7 couldn't bring the two together to handcuff. 8 Q Based on Officer Lopera's position, correct? 9 A Sure. 10 Q After Tashii was placed in handcuffs, was he 11 resisting? 12 A No. 13 Q At some point after you turned Tashii over, 14 you went to your car, correct? 15 A Yes. 16 Q You didn't know anything about Tashii before 17 you went to go to your car to check him out, correct? 18 A Correct. 19 Q How long did it take you to run him at the 20 car? 21 A I don't know, a minute or so. 22 Q Okay. How long did it take you to get to 23 the car? 24 A Not very long. The car was pretty close. 25 Q Another 30 seconds or a minute?</p>

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* * * Videotaped Deposition * * *

27 (Pages 102 to 105)

Page 102	Page 104
<p>1 A Maybe.</p> <p>2 Q After you had turned him over, did you run</p> <p>3 to the car, did you jog, did you walk fast?</p> <p>4 A Oh, it was probably several minutes before I</p> <p>5 went to the car. I was calling for medical. I mean,</p> <p>6 all the other -- I think a bunch of that stuff</p> <p>7 happened before I ever went to the car.</p> <p>8 Q Okay. When you ran him, you received some</p> <p>9 information that he had a prior DUI, correct?</p> <p>10 A Correct.</p> <p>11 Q Was that relevant to what had happened</p> <p>12 before you ran him?</p> <p>13 A No.</p> <p>14 Q Have you since learned that Tashii had a</p> <p>15 record in Hawaii?</p> <p>16 A Yes.</p> <p>17 Q Was that relevant to you before you learned</p> <p>18 that?</p> <p>19 A No.</p> <p>20 Q Strike that.</p> <p>21 Was that relevant to you before the incident</p> <p>22 or during the incident?</p> <p>23 A I don't think I understand the question.</p> <p>24 Q That's like a dumb lawyer question.</p> <p>25 You didn't know about it, right?</p>	<p>1 BY MR. LAGOMARSINO:</p> <p>2 Q At the time that you told Lopera to release</p> <p>3 Tashii, did you feel that Lopera had control of</p> <p>4 Tashii?</p> <p>5 A No.</p> <p>6 Q Okay. All right. Let's turn to 44.</p> <p>7 A Sure.</p> <p>8 Q At Line 3, you said: "All right. So at the</p> <p>9 time -- so at the time you told him to release the</p> <p>10 LVNR, it was still just you and the subject officer?"</p> <p>11 And what was your answer?</p> <p>12 A "Correct."</p> <p>13 Q "And the purpose of releasing the LVNR was</p> <p>14 to facilitate handcuffing?"</p> <p>15 And what was your answer?</p> <p>16 A "Correct."</p> <p>17 Q "And you felt that you and the subject</p> <p>18 officer had control of the subject?"</p> <p>19 A "Correct."</p> <p>20 Q All right. Please turn to 46. We talked</p> <p>21 earlier about that you used the word "choked" with</p> <p>22 the fire department, at the bottom of 46 and 47 where</p> <p>23 you were talking about that with CIRT.</p> <p>24 A Yes.</p> <p>25 Q Is a choke hold slang for an LVNR at Metro?</p>
Page 103	Page 105
<p>1 A Correct.</p> <p>2 Q So it couldn't be relevant to you?</p> <p>3 A Correct.</p> <p>4 Q Did you ever ask Lopera what crime Tashii</p> <p>5 had committed?</p> <p>6 A I may have asked him what happened, but not</p> <p>7 specifically what crime was committed, no.</p> <p>8 Q But you asked him what happened after the</p> <p>9 fact, correct?</p> <p>10 A Correct.</p> <p>11 Q When you arrived, did you see any injuries</p> <p>12 on Officer Lopera?</p> <p>13 A No.</p> <p>14 Q When Officers Tran and Flores arrived, did</p> <p>15 they conduct themselves in accordance with their</p> <p>16 training?</p> <p>17 A Yes.</p> <p>18 Q At the time that you first told Tashii (sic)</p> <p>19 to release the LVNR, did you believe that Lopera had</p> <p>20 control of Tashii?</p> <p>21 MR. ANDERSON: Objection. Form. I think</p> <p>22 you have the wrong names there.</p> <p>23 MR. LAGOMARSINO: Oh, I'm sorry. I'll</p> <p>24 rephrase it.</p> <p>25 ///</p>	<p>1 A Yes.</p> <p>2 Q Okay. Did you ever submit a use-of-force</p> <p>3 report regarding the use of the LVNR?</p> <p>4 A No.</p> <p>5 Q All right. Going to Page 84, please. So</p> <p>6 there's a series of questions on here about whether</p> <p>7 you could have interceded or whether you should have</p> <p>8 interceded. So I will ask the first question: As we</p> <p>9 sit here today, do you feel at any time that Officer</p> <p>10 Lopera was applying the LVNR that you could have</p> <p>11 interceded to stop the application of the LVNR?</p> <p>12 A Yes.</p> <p>13 Q And then when -- the next question kind of</p> <p>14 at Line 17, it says: "So now we have got Tran and</p> <p>15 Flores there. Do you think if you, as a supervisor,</p> <p>16 can step back and assess it, could you have</p> <p>17 interceded?"</p> <p>18 And what was your answer?</p> <p>19 A "I could have."</p> <p>20 Q What's a debrief of an incident?</p> <p>21 A A debrief, the way it's being used here, is</p> <p>22 just an informal discussion between the people</p> <p>23 involved in the incident about the tactics that were</p> <p>24 employed during the incident. And basically we go</p> <p>25 over everything from the very beginning of the call,</p>

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* * * Videotaped Deposition * * *

28 (Pages 106 to 109)

Page 106

1 who was the first to respond, who was the first to
 2 arrive, what tactics did we employ, how well did we
 3 communicate, what levels of force were we in, what
 4 was the crime, what -- all that kind of stuff.
 5 Q And no debrief was conducted here, correct?
 6 A No.
 7 Q And is that because he passed away?
 8 A That is because I was noticed by CIRT that I
 9 was not allowed to speak about the incident while I
 10 was under investigation.
 11 Q Did you, yourself, provide any medical
 12 treatment to Tashii?
 13 A No.
 14 Q So you were asked the question --
 15 MR. MCNUTT: 90?
 16 MR. LAGOMARSINO: I'm sorry, 95. I'm sorry,
 17 96.
 18 BY MR. LAGOMARSINO:
 19 Q You stated: "Well, I'm -- my -- the Officer
 20 Lopera could have more appropriately chosen his force
 21 options."
 22 As you sit here today, do you believe that
 23 he could have appropriately chosen his force options
 24 better?
 25 A Yes.

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1 Q How could he have done it better?
 2 A I mean, I can't give you any -- any
 3 different way to do it that would guarantee a
 4 different outcome, by any means.
 5 Q There's no guarantees, right?
 6 A Right. And I can -- I could sit here for
 7 hours and play devil's advocate about all of it. If
 8 you were talking about the taser, you know, policy,
 9 it says you should consider another force option
 10 after three cycles. But there's a lot that depends
 11 on that.
 12 Lopera was alone. You know, I mean, officer
 13 presence is a force option. Had his partner not lost
 14 track of him, I believe less force would have been
 15 used. So many, I'm not sure where to start with you.
 16 There's a lot of variables here.
 17 Q Well, I'll go through them with you. Let me
 18 ask about the taser. What does neuromuscular
 19 incapacitation mean?
 20 A Commonly referred to as "lock up," when the
 21 person is basically -- the person goes stiff and
 22 doesn't have control over their movement.
 23 Q Is a person's ability to respond to commands
 24 in a physical way impaired by being tased repeatedly,
 25 based on your training?

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1 A It depends on the person. I've seen people,
 2 watched people get tased with one cycle or less, and
 3 as soon as that cycle ended, they immediately
 4 complied and put their hands behind their back. I've
 5 always observed that people are able to talk while
 6 being tased, because I remember -- now this is going
 7 back 11 years probably, but I was present while an
 8 officer tased a guy. And the officer is saying, "Put
 9 your hands behind your back," and the kid is saying,
 10 "I can't right now," while he's being tased. But as
 11 soon as that cycle ended, the gentleman put his hands
 12 right behind his back.
 13 Q Complied. Okay.
 14 So then Page 97, you were asked: "Based on
 15 the training that you have received during your time
 16 on the department, do you think you were adequately
 17 prepared to handle this incident?"
 18 And what was your answer?
 19 A I said: "No, not entirely. Um, I'm not
 20 sure how I could be. I'm not -- I -- I can't give
 21 you a recommendation on how to better train other
 22 than to experience it."
 23 Q Okay. Next question at Page 98, JR says:
 24 "Okay" -- excuse me, at Line 10: "Okay. So critical
 25 training is a perishable skill?"

Page 109

1 What does that mean to you?
 2 A Basically -- well, what they were asking me
 3 earlier was, is there any type of a scenario that we
 4 could put new sergeants, continuing sergeants or
 5 supervisors through that would better train you on
 6 how to handle this. And we -- we do great training
 7 at Metro, but what I was conveying is that you just
 8 can't train for the actual real thing. Again, too
 9 many variables. It's just not the same as -- as
 10 close as you can get in training. Not that the
 11 training is bad.
 12 And what he is saying as far as it's a
 13 perishable skill is that the more often you go out
 14 and do the job of being a supervisor or being an
 15 officer or whatever, the better you're going to be at
 16 it. If we take a sergeant who's been a detective
 17 sergeant for ten years, an inside cat, if you will,
 18 and put him out on the street, it's going to take him
 19 some time to get back up to speed.
 20 Q You had mentioned here, the only type -- the
 21 only kind of training you could do to them would be
 22 RBT. What does RBT stand for?
 23 A Reality-based training.
 24 Q What is that? Is that what you just
 25 described?

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* * * Videotaped Deposition * * *

29 (Pages 110 to 113)

<p style="text-align: right;">Page 110</p> <p>1 A Pretty much. We try to have role players 2 and set up a critical incident. 3 Q And was there any training for this scenario 4 in the reality-based training context? 5 A No. 6 Q Based on your review of the document today, 7 does that appear to be a true and correct copy of 8 your CIRT statement? 9 A Yes. 10 (Plaintiff's Exhibit No. 3 was marked 11 for identification.) 12 BY MR. LAGOMARSINO: 13 Q What is Exhibit 3? 14 A This is my statement to FIT. 15 Q How many pages is it? 16 A They're not numbered. Hang on. Oh, there 17 at the top, sorry. Seven. 18 Q Does this appear to be a true and correct 19 copy of your FIT statement? 20 A Yes. 21 (Plaintiff's Exhibit No. 4 was marked 22 for identification.) 23 BY MR. LAGOMARSINO: 24 Q I'm handing you what's been marked as 25 Exhibit 4. What does Exhibit 4 appear to be to you?</p>	<p style="text-align: right;">Page 112</p> <p>1 MR. LAGOMARSINO: No, that's fine. 2 BY MR. LAGOMARSINO: 3 Q Going to Page 10 of the report, which is 4 LVMPD 2067 at the bottom, it mentions it at 5:03, but 5 did Officer Lopera state to you that, quote, I choked 6 him out, referring to Tashii Farmer? 7 A Yes. 8 Q And then there's an entry at 6:38 where it 9 says: "Officer Lopera told Officer Flores and 10 Rybacki what happened. And during the conversation, 11 he stated, 'I started whaling on the dude, and then I 12 rear-mounted and choked him out.'" 13 Were you present for that conversation? 14 A No. 15 Q Do you know where you were at the time? 16 A No. 17 Q A rear-mounting can be accomplished by -- in 18 an LVNR, correct? 19 A I don't know. 20 Q On Page 11, Lopera says: "Sarge, is he 21 okay? He's breathing? Officer Lopera then gives the 22 thumbs-up sign and says "Thank you." 23 Did you tell Officer Lopera that he was 24 breathing? 25 A Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 A Force investigation team report. 2 Q Have you reviewed this report before? 3 A Maybe. There's so many reports. 4 Q So I would like you to take a look at -- you 5 can take a couple of minutes or take a break if you 6 need to, but -- well, let me -- have you ever watched 7 Officer Lopera's body camera footage? 8 A I have watched -- the longest version of the 9 body camera footage that I have seen was the one that 10 was presented at the police fatality public 11 fact-finding review. I watched that after it got 12 posted up on the internet. That's the longest 13 version I've ever seen. 14 MR. MCNUTT: Andre, can I just ask him? 15 MR. LAGOMARSINO: Yeah. 16 MR. MCNUTT: Where did that video start? Do 17 you recall? On that -- the version that you saw, 18 what was the first portion that you saw? 19 THE WITNESS: Inside the Venetian, I 20 believe. 21 MR. MCNUTT: Okay. It started -- okay. 22 Before the foot pursuit? 23 THE WITNESS: Correct. 24 MR. MCNUTT: Okay. I didn't know which 25 version that was.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q Then it says: "Officer Lopera asked if he 2 should expedite medical." 3 Do you recall him asking that? 4 A I don't. 5 Q Was medical expedited? 6 A Medical had been expedited long before that. 7 Q At 11:25 it says: "Officer Rybacki 8 approached Officers Flores and Tran. One of the 9 officers said he was out when we got here. Officer 10 Rybacki responded, 'He was definitely on something.'" 11 Do you know which officer, Flores or Tran, 12 said that he was out when you guys got -- when they 13 got there? 14 A I don't know. 15 Q Then there's a reference at 4:09 with 16 Officer Stutzman. It says: "Officer Stutzman began 17 talking to Officer Flores. Officer Flores stated, 18 quote, By the time we got here, Sarge, and what's 19 that guy? Lopera were wrestling around with that 20 guy. Had him in a lock. I grabbed the guy's feet, 21 but he was already out." 22 Were you present for that conversation? 23 A No. 24 Q Please turn to Page 16. This is LVMPD 2073. 25 "Numerous yellow/pink AFID tags bearing serial number</p>

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* * * Videotaped Deposition * * *

30 (Pages 114 to 117)

<p style="text-align: right;">Page 114</p> <p>1 TSC C31040 were located on the roadway."</p> <p>2 What is that?</p> <p>3 A So those are the confetti that I was talking</p> <p>4 about that comes out of the taser cartridge. And the</p> <p>5 area that they're talking about -- I'm probably</p> <p>6 jumping ahead, but I think what you're asking is the</p> <p>7 area where that confetti is and the location where</p> <p>8 Farmer was placed in handcuffs, however many lanes</p> <p>9 wide that road is between the Jersey barrier and the</p> <p>10 curb, that's the distance between.</p> <p>11 Q Could you please turn to Page 2089. So it's</p> <p>12 not the best copy here, but what is that graphic?</p> <p>13 A It's our use-of-force model.</p> <p>14 Q Are you able to read the text in there?</p> <p>15 A Vaguely. Probably from memory, I can</p> <p>16 probably tell you what it says.</p> <p>17 Q Okay. So it says: "It's important for</p> <p>18 officers to bear in mind" -- strike that. At the</p> <p>19 very bottom here.</p> <p>20 A Yes.</p> <p>21 Q It says, "LVMPD policy and levels of</p> <p>22 resistance states, quote, It is important for</p> <p>23 officers to bear in mind that there are many reasons</p> <p>24 a suspect may be resisting arrest or may be</p> <p>25 unresponsive. The person in question may not be</p>	<p style="text-align: right;">Page 116</p> <p>1 A The moment that I arrived?</p> <p>2 Q Yes.</p> <p>3 A It was -- all I knew was obstructing or</p> <p>4 resisting, because Farmer was resisting arrest.</p> <p>5 Q Okay. Was that a severe crime?</p> <p>6 MR. MCNUTT: Objection. Form.</p> <p>7 THE WITNESS: If it's just a resisting of a</p> <p>8 public officer, it's a misdemeanor. If it's</p> <p>9 resisting a public officer with a weapon, it's a</p> <p>10 felony. It depends on the factors, I suppose.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q At the onset of the incident, there's a</p> <p>13 reference here, Number 2, that Farmer was not posing</p> <p>14 a threat to anyone at the onset of the incident. Do</p> <p>15 you agree with that, having reviewed the video?</p> <p>16 A Yes.</p> <p>17 Q It says: "During the subsequent ECD cycles,</p> <p>18 Farmer was displaying passive and active resistance."</p> <p>19 Do you agree with that?</p> <p>20 A Yes.</p> <p>21 Q It says: "Prior to and during the repeated</p> <p>22 strikes to Farmer's head, Farmer was displaying</p> <p>23 passive and active resistance."</p> <p>24 Do you agree with that?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 capable of understanding the gravity of the</p> <p>2 situation. Officers must consider several factors</p> <p>3 when dealing with a noncompliant subject. Subject</p> <p>4 may be noncompliant due to a medical condition,</p> <p>5 mental, physical or hearing impairment, language</p> <p>6 barrier, drug interaction or emotional crisis and</p> <p>7 have no criminal intent."</p> <p>8 Do you agree with that sentence?</p> <p>9 A Yes.</p> <p>10 Q It says: "This may not make the subject any</p> <p>11 less dangerous, but it may require a change in</p> <p>12 tactics that will be more effective while maintaining</p> <p>13 officer safety once these circumstances are known to</p> <p>14 the officer."</p> <p>15 Is officer safety recognized as a reason to</p> <p>16 deprive an individual of their constitutional rights?</p> <p>17 MR. MCNUTT: Objection, form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q Going to 33, Page 33, are you familiar with</p> <p>21 the Graham v. Connor factors?</p> <p>22 A Yes.</p> <p>23 Q So there's a discussion here about the</p> <p>24 severity of the crime at issue. In your view, how</p> <p>25 severe was the crime at issue?</p>	<p style="text-align: right;">Page 117</p> <p>1 Q And then "When Officer Lopera placed Farmer</p> <p>2 in what he called the 'rear naked choke,' Farmer was</p> <p>3 displaying passive and active resistance."</p> <p>4 Do you agree with that?</p> <p>5 A Which part of it?</p> <p>6 Q Well, feel free to break it up.</p> <p>7 A Well, I suppose he did call it a "rear naked</p> <p>8 choke," so I guess I can agree that he called it a</p> <p>9 rear naked choke. And I agree it was passive and</p> <p>10 active resistance.</p> <p>11 Q Do you believe it was a rear naked choke?</p> <p>12 MR. MCNUTT: Objection. Form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q When an officer is dealing with a dynamic</p> <p>16 situation, what does -- let's start with, what is a</p> <p>17 dynamic situation by definition, or fluid or...</p> <p>18 A It can be a lot of different things. It</p> <p>19 could be a pursuit, a vehicle pursuit, a foot</p> <p>20 pursuit, a fight, a shooting.</p> <p>21 Q It's changing events, correct?</p> <p>22 A Yes.</p> <p>23 Q So is an officer allowed to -- let's say --</p> <p>24 strike that.</p> <p>25 Let's say a subject or a suspect decides to</p>

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31 (Pages 118 to 121)

Page 118	Page 120
<p>1 surrender. Is the officer allowed to punish that 2 suspect or use force against them once they've 3 surrendered? 4 MR. ANDERSON: Objection to form. 5 THE WITNESS: No. 6 BY MR. LAGOMARSINO: 7 Q Now, the next factor here, it says: Number 8 3, "Whether the subject is actively resisting or 9 attempting to evade the arrest by flight." 10 Now, do you agree that Tashii ran for an 11 unknown reason? 12 A Can you be more specif- -- based on the 13 video that I saw? 14 Q Yeah. 15 A That he ran for an unknown reason? 16 Certainly. I don't know his reason. 17 Q Based on your review of the video, did 18 Lopera try to grab Tashii? 19 A At the beginning of that video? 20 Q Yeah. 21 A I think so, yeah. 22 Q Okay. What justification would Lopera have 23 had to try to grab him at that point? 24 A Without reviewing the video, I can't 25 remember exactly where they were at the time. If</p>	<p>1 So taking it down to the bottom of Page 34, 2 it says: "LVMPD policy states an officer may 3 initiate a foot pursuit of any individual if the 4 officer reasonably believes he is about to engage in, 5 is engaging in or has engaged in criminal activity. 6 As Officer Lopera began to chase Farmer, he had no 7 reasonable suspicion or probable cause to believe 8 that Farmer was going to engage in or was involved in 9 any criminal conduct." 10 Do you agree with that? 11 A No. 12 Q And why do you disagree with that? 13 A Well, a couple reasons. On the video, I 14 believe, Farmer states to officers that he -- someone 15 was chasing him. So he may be a victim of a crime, 16 he may be a suspect in the crime if he's being 17 chased. And I believe he says that he ran across the 18 street, jaywalking, so, yes, he is admitting to a 19 very minor, admittedly, misdemeanor. 20 And then I would expect any of my officers 21 to detain someone who flees through the back of the 22 house of a hotel, casino. 23 Q Okay. Did Tashii say he was jaywalking? 24 A If he ran across the street on Las Vegas 25 Boulevard where we have bridges that have been built</p>
Page 119	Page 121
<p>1 Lopera believed that Farmer has been, is committing 2 or is about to commit a crime, then he's got 3 reasonable suspicion to detain him. 4 Q Okay. Now, the day of this report, on the 5 first page is 8/1 of '17. 6 A Okay. 7 Q Are you aware of whether the drug test 8 results were back at the time of the incident? 9 A On 8/1? 10 Q Yeah. 11 A I don't know. 12 Q Now, it says on the influence of drugs or 13 alcohol, it just says: "Due to the fact that Officer 14 Lopera did not provide a statement, this cannot be 15 answered." 16 I guess I'm supposing if they were back, 17 then, at least, that could be answered, correct? 18 A No. I believe that is based on the fact 19 that without a statement from Lopera, they weren't 20 willing to -- how do I put -- I don't know. 21 Q What I'm trying to assess, what Lopera was 22 thinking, right? 23 A Right. 24 Q And so that's why they were unable to answer 25 that.</p>	<p>1 for millions of dollars, then he jaywalked, because 2 we don't have crosswalks on the ground. So I think 3 that's what they assumed. 4 Q There's some crosswalks over by the 5 Venetian, correct? 6 A There are. I believe he said "I almost got 7 hit by a car," which maybe would lead someone to 8 believe he was jaywalking. 9 Q Going to Page 35. It says: "Officer Lopera 10 told Farmer" -- sorry. Second full paragraph. It 11 said: "Officer Lopera told Farmer to get on his 12 stomach several times but never gave Farmer a 13 reasonable opportunity to comply with commands before 14 cycling the ECD again." 15 Do you agree with that? 16 A I'm sorry, I'm trying to find the line -- 17 these don't have line numbers. 18 Q I apologize. Right there, the second 19 sentence there. It says: "Officer Lopera told 20 Farmer to get on his stomach several times but never 21 gave Farmer a reasonable opportunity to comply with 22 commands before cycling the ECD again." 23 Do you agree with that? 24 A No. 25 Q And why do you disagree with that?</p>

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32 (Pages 122 to 125)

<p style="text-align: right;">Page 122</p> <p>1 A Like I testified a little bit ago, I've seen</p> <p>2 multiple subjects comply immediately. And watching</p> <p>3 that video, I hear the, what is it, "I will," but</p> <p>4 people who are compliant move much faster. I mean,</p> <p>5 probably no one in this room has ever been tased, and</p> <p>6 hope you never are, but if you do, it's motivating to</p> <p>7 comply for most people.</p> <p>8 Q And then it says: "Officer Lopera's verbal</p> <p>9 commands also contradicted each other, telling</p> <p>10 Farmer, quote, Don't move, quote, follow by a command</p> <p>11 to get on your stomach, quote."</p> <p>12 Do you agree with that?</p> <p>13 A It's possible, yes.</p> <p>14 Q The taser policy for the ECD is recited in</p> <p>15 the next paragraph. Did Officer Lopera violate that</p> <p>16 policy?</p> <p>17 A The policy itself is a little bit</p> <p>18 contradictory because it says at the end there,</p> <p>19 "shall be deemed ineffective and another force option</p> <p>20 will be considered," which kind of contradicts the</p> <p>21 "shall." Because if you're considering another force</p> <p>22 option, then you could consider to remain with the</p> <p>23 force option you're using.</p> <p>24 And I maybe touched on it a little bit</p> <p>25 earlier, when you're alone, if you're getting some</p>	<p style="text-align: right;">Page 124</p> <p>1 THE VIDEOGRAPHER: We are going off the</p> <p>2 record. The time is approximately 2:19 p.m.</p> <p>3 (Off the record, after which Ms. Farmer</p> <p>4 and Ms. Day did not return to the room.)</p> <p>5 THE VIDEOGRAPHER: The time is approximately</p> <p>6 2:29 p.m. We are back on the record.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q What's the standard under the Fourth</p> <p>9 Amendment with respect to how much force a police</p> <p>10 officer can use when they're making an arrest?</p> <p>11 MR. ANDERSON: Objection. Form.</p> <p>12 THE WITNESS: To overcome resistance,</p> <p>13 prevent escape and take into custody.</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q Fair to say that you can only use so much</p> <p>16 force in making an arrest as is objectively</p> <p>17 reasonable?</p> <p>18 A Correct.</p> <p>19 MR. LAGOMARSINO: Okay. All right. Exhibit</p> <p>20 5, please.</p> <p>21 (Plaintiff's Exhibit No. 5 was marked</p> <p>22 for identification.)</p> <p>23 BY MR. LAGOMARSINO:</p> <p>24 Q Exhibit 5 is a printout of the New York</p> <p>25 Times article about this case, dated May 17, 2017.</p>
<p style="text-align: right;">Page 123</p> <p>1 level of control or compliance from the force option</p> <p>2 you're using, then it might be reasonable to stick</p> <p>3 with that one, because you don't necessarily want to</p> <p>4 give up something that's partially working to move to</p> <p>5 another force option that might not work at all.</p> <p>6 Q Okay. Next paragraph, it says: "After</p> <p>7 cycling the ECD seven times, Officer Lopera holstered</p> <p>8 his ECD. With Farmer lying on his stomach, Officer</p> <p>9 Lopera straddled Farmer's back and struck him</p> <p>10 approximately 10 to 12 times in the head while giving</p> <p>11 Farmer verbal commands to get on your stomach.</p> <p>12 According to LVMPD policy, officers should only use</p> <p>13 hand strikes when a subject is displaying aggressive</p> <p>14 or aggravated aggressive resistance."</p> <p>15 So did Officer Lopera violate the policy on</p> <p>16 hand strikes?</p> <p>17 MR. MCNUTT: Objection. Form.</p> <p>18 THE WITNESS: Potentially, there -- if you</p> <p>19 look in the tactical review board transcript, there</p> <p>20 was quite a bit of back-and-forth over how many</p> <p>21 strikes were thrown, how many strikes landed, but,</p> <p>22 yes, potentially.</p> <p>23 MR. LAGOMARSINO: Okay. Let's take a</p> <p>24 five-minute break.</p> <p>25 MR. MCNUTT: Reading my mind.</p>	<p style="text-align: right;">Page 125</p> <p>1 It talks about a press conference put on by Kevin</p> <p>2 McMahill. Who's Kevin McMahill?</p> <p>3 A He is the undersheriff of Las Vegas</p> <p>4 Metropolitan Police Department.</p> <p>5 Q Did you watch that press conference?</p> <p>6 A Parts of it, at least.</p> <p>7 Q Undersheriff McMahill stated that had he</p> <p>8 survived, Tashii Farmer would have faced no charges.</p> <p>9 Do you agree with Undersheriff McMahill?</p> <p>10 A I disagree.</p> <p>11 Q On what basis?</p> <p>12 A Due to the fact that Tashii Farmer went</p> <p>13 through the back of the house of the Venetian,</p> <p>14 probably, if I had to put my best guess to it, 50 or</p> <p>15 100 times a year we would detain someone who would be</p> <p>16 found in the back of the house, generally by</p> <p>17 security. We're not necessarily patrolling the back</p> <p>18 of the house.</p> <p>19 Q Right.</p> <p>20 A And that person could definitely face a</p> <p>21 charge of trespassing at a minimum.</p> <p>22 Q Okay. In order to charge someone with</p> <p>23 trespassing, don't you have to read them a warning</p> <p>24 first?</p> <p>25 A That's trespass on land after warning. You</p>

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33 (Pages 126 to 129)

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<p>1 also have trespass signs posted, and you have 2 trespass, like, fenced area, where if the owner of 3 the property is taking reasonable steps to keep 4 people off a certain part of the property, then it's 5 reasonable to believe that the general public 6 shouldn't be on the property. 7 Q Okay. So let's say Tashii would have 8 survived and then you would have had a chance to 9 review all the video from the incident, would you 10 have recommended charges? 11 A Yes. 12 Q For trespassing? 13 A Yes. 14 Q Is trespassing a severe crime? 15 A No. 16 Q Tashii was unarmed, correct? 17 A Correct. 18 Q By the time you got to the scene, Tashii 19 posed no threat to your safety, correct? 20 A I wouldn't say no. He did pull his arm away 21 from me, and it was my perception that he was 22 struggling the entire time we were trying to put him 23 in handcuffs. So I wouldn't say zero. 24 Q On a scale of 1-to-100 or 0-to-100, what 25 would you say he would -- 100 being the maximum</p>	<p>1 BY MR. LAGOMARSINO: 2 Q Can the LVNR be used to kill somebody? 3 MR. MCNUTT: Objection. Form. 4 THE WITNESS: Not from the way we're 5 trained. 6 BY MR. LAGOMARSINO: 7 Q Okay. If it's incorrectly used, can it kill 8 somebody? 9 A I don't know. 10 Q Were you trained that if it was incorrectly 11 applied that it could kill somebody? 12 A Not that I recall. 13 Q If you wanted to, you could have put your 14 hands on Ken and attempted to remove his arms from 15 Tashii's neck; is that correct? 16 MR. MCNUTT: Objection. Form. 17 THE WITNESS: Yes. 18 BY MR. LAGOMARSINO: 19 Q Okay. Did you do anything by accident that 20 day? 21 A Yeah. When I got out of my car, I shot off 22 my siren and I accidentally hit the buttons for the 23 radio and the PA on my control, which caused -- when 24 I keyed my microphone, it broadcast whatever was 25 coming over the radio over the PA speakers on the</p>
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<p>1 threat? 2 A I mean, based on that I knew that Lopera had 3 been in a foot pursuit, struggle with Farmer for at 4 least a minute, maybe closer to two minutes by the 5 time I got there, coupled with him pulling away, I'd 6 put it at 30. 7 Q When Tashii was on his back with his hands 8 raised, was he a threat at that point? 9 A No. 10 Q Now, as a police officer, you're supposed to 11 know the law, correct? 12 A Yes. 13 MR. MCNUTT: Objection. Form. 14 BY MR. LAGOMARSINO: 15 Q And you're supposed to be trained on how not 16 to violate a suspect's constitutional rights, 17 correct? 18 A Yes. 19 Q Is the LVNR an acceptable means of deadly 20 force? 21 MR. ANDERSON: Objection. Form. Will you 22 rephrase that? 23 THE WITNESS: No. 24 MR. LAGOMARSINO: Sure. 25 ///</p>	<p>1 front of the car. It was pretty loud. 2 Q Besides that, did you do anything by 3 accident? 4 A Not that I remember. 5 Q Was everything that you did with respect to 6 Tashii intentional? 7 A Yes. 8 Q When you were assisting Lopera, you were 9 assisting him to help subdue Tashii; is that correct? 10 A I was assisting him to take Tashii into 11 custody. 12 Q And did you criticize Officer Lopera in any 13 way at the scene? 14 A I don't think so. 15 Q Now, Tashii was being held in a neck 16 restraint against his will, correct? 17 MR. ANDERSON: Objection. Form. 18 THE WITNESS: I don't think he was -- I 19 don't think he asked to be put in a neck restraint, 20 no. 21 BY MR. LAGOMARSINO: 22 Q He did not consent to it, correct? 23 A I don't think so. 24 Q When you have an individual in custody -- 25 sorry.</p>

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34 (Pages 130 to 133)

<p style="text-align: right;">Page 130</p> <p>1 When you have an individual in custody, as</p> <p>2 an officer, do you have a duty to protect them from</p> <p>3 harm?</p> <p>4 A Yes.</p> <p>5 Q And you have a duty to protect them from</p> <p>6 harm regardless of whether that harm comes from</p> <p>7 another officer or a third party, correct?</p> <p>8 A Correct.</p> <p>9 Q Did Tashii have a right to be free from</p> <p>10 cruel punishment?</p> <p>11 A Yes.</p> <p>12 Q Did Tashii have a right to be free from</p> <p>13 inhumane treatment?</p> <p>14 A Yes.</p> <p>15 Q When Tashii was in the neck restraint, he</p> <p>16 was helpless, correct?</p> <p>17 MR. ANDERSON: Objection to form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q How was he not helpless?</p> <p>21 A At the very minimum, he was still able to</p> <p>22 pull his arm away from me.</p> <p>23 Q Besides that, how was he not helpless?</p> <p>24 A Can you describe "helpless" more, I guess?</p> <p>25 Q Besides being able to move his arm, Tashii</p>	<p style="text-align: right;">Page 132</p> <p>1 for identification.)</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q I'm showing you what's been marked as</p> <p>4 Exhibit 6, the case of United States v. Mendenhall.</p> <p>5 Have you ever heard of this case?</p> <p>6 A Maybe.</p> <p>7 Q Okay. I just want to ask you some questions</p> <p>8 from the case to see if you agree with the United</p> <p>9 States Supreme Court in this decision. See the</p> <p>10 bottom right-hand corner there, some faint numbers?</p> <p>11 A Yes.</p> <p>12 Q Will you please turn to Page 5. The bottom</p> <p>13 under A, it says: "The Fourth Amendment's</p> <p>14 requirement that searches and seizures be founded</p> <p>15 upon an objective justification governs all seizures</p> <p>16 of the person, including seizures that involve only a</p> <p>17 brief detention short of traditional arrest."</p> <p>18 Do you agree with that?</p> <p>19 A Yes.</p> <p>20 Q And going to the top of the next column, it</p> <p>21 says: "Only when the officer, by means of physical</p> <p>22 force or show of authority, has in some way</p> <p>23 restrained the liberty of a citizen may we conclude</p> <p>24 that a seizure has occurred."</p> <p>25 Do you agree with that?</p>
<p style="text-align: right;">Page 131</p> <p>1 was not independently able to get away from Officer</p> <p>2 Lopera, correct?</p> <p>3 MR. ANDERSON: Objection. Form.</p> <p>4 THE WITNESS: Well, he was under arrest. He</p> <p>5 wasn't free to go.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q Well, once he was in the neck restraint, he</p> <p>8 was never able to get out of it until he was let go,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q Did you, as a sergeant on the scene, have a</p> <p>12 duty to protect him from any harm once he was in the</p> <p>13 choke hold?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q Strike that.</p> <p>17 Did you as a police officer have a duty to</p> <p>18 protect Tashii from any harm once he was in the neck</p> <p>19 restraint?</p> <p>20 MR. ANDERSON: Objection. Form.</p> <p>21 THE WITNESS: Duty to protect him once he is</p> <p>22 in -- if that neck restraint were to be deemed by me</p> <p>23 to be inappropriate, sure.</p> <p>24 MR. LAGOMARSINO: Okay. Exhibit 6.</p> <p>25 (Plaintiff's Exhibit No. 6 was marked</p>	<p style="text-align: right;">Page 133</p> <p>1 A Yes.</p> <p>2 Q When by means of physical force -- strike</p> <p>3 that.</p> <p>4 When by means of physical force or show of</p> <p>5 authority was Tashii Farmer seized?</p> <p>6 MR. ANDERSON: Are you asking based upon the</p> <p>7 video?</p> <p>8 MR. LAGOMARSINO: Yeah, based on the video.</p> <p>9 Thanks.</p> <p>10 THE WITNESS: Well, the first show of</p> <p>11 authority, I suppose, probably would have been when</p> <p>12 Lopera is still inside the Venetian in the -- the</p> <p>13 food court says stop or whatever he says to him.</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q When an officer grabs somebody, is that</p> <p>16 considered a seizure?</p> <p>17 A Maybe I'm overthinking this here, but isn't</p> <p>18 there also -- don't we have to have a sign that the</p> <p>19 person is complying for then an arrest to take place?</p> <p>20 I'm sorry. Maybe I'm getting too far ahead of you.</p> <p>21 Q That's okay. Let me rephrase. Can you</p> <p>22 please turn to Page 6.</p> <p>23 A Sure.</p> <p>24 Q See on the top right --</p> <p>25 A I can't --</p>

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35 (Pages 134 to 137)

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<p>1 Q Sorry. The right-hand column, end of the 2 first paragraph up top where it says: "Plainly, in 3 the latter event, there was no seizure until the 4 police officer in some way demonstrably curtailed 5 Sibron's liberty." 6 So with respect to Tashii, there's no 7 seizure until somebody demonstrably curtails their 8 liberty, correct? 9 A Okay. Yes. 10 Q And for you, you think that starts when -- 11 when? 12 A Demonstrably curtailed liberty, I would say 13 it's more like the first tasing probably. 14 Q Okay. His freedom of movement was 15 restrained at the first tasing, correct? 16 A Yes. 17 Q Did you use physical force on Tashii? 18 A Handcuffing, yes. 19 Q And, obviously, Lopera did as well, correct? 20 A Yes. 21 Q Who else used physical force on Tashii? 22 A Officers Tran and Flores assisted with 23 handcuffing. 24 Q Okay. You were wearing a badge that night, 25 or were you plain clothes?</p>	<p>1 Q Does he still work for Metro? 2 A I think so. 3 Q And do you know who Gary Clark is? 4 A No. I don't think the other two work for 5 Metro anymore. 6 Q Do you know Radmanovich? 7 A No. 8 Q What's the case where Metro was sued for 9 using a choke hold and other force against Barnard? 10 Have you ever been trained about this case? 11 A I have heard -- I think I have heard about 12 this case. Was this in, like, a motel? 13 Q It looks like they went to Barnard's house, 14 execute an arrest warrant. 15 A I think I've heard of it, yes, I think so. 16 Q So it's -- go to the bottom of Page 2 on the 17 right. It says: "Clark came over to Charles, who 18 was still laying on top of Theobald, and put Charles 19 in a choke hold. Clark then tried to lift Charles up 20 by his neck. Theobald, however, still had ahold of 21 the handcuff around Charles' right wrist." 22 Is it ever appropriate to try to lift 23 somebody up by their neck? 24 A If you were in deadly force maybe. 25 Q Okay. "Here Officers Theobald and</p>
Page 135	Page 137
<p>1 A I had a patch. 2 Q Okay. If somebody looked at you, would you 3 expect them to know that you're a police officer? 4 A Yes. 5 Q Okay. Do you agree that once a neck 6 restraint has been applied to a suspect that there's 7 a need to closely monitor the suspect? 8 A Yes. 9 Q Prior to this incident -- strike that. 10 At the time of the incident, was the LVNR 11 allowed to be used in circumstances where officers or 12 third parties were not at risk of physical injury? 13 A It was in a lower level of the use-of-force 14 policy, yes. 15 MR. LAGOMARSINO: Exhibit 7. 16 (Plaintiff's Exhibit No. 7 was marked 17 for identification.) 18 BY MR. LAGOMARSINO: 19 Q I handed you what's been marked as 20 Exhibit 7. It's Barnard v. Theobald, Clark, 21 Radmanovich and Metro. Did you ever hear about this 22 particular case? 23 A Maybe. I'm trying to -- 24 Q Do you know Greg Theobald? 25 A I know who he is.</p>	<p>1 Radmanovich ordered the plaintiff to give them, 2 quote, his motherfucking, quote, arms." 3 Does Metro train on use of profanity on 4 citizens when you're taking them into custody? 5 A Like I testified to earlier, it's 6 discouraged generally. It could be construed as 7 discourteous, but sometimes strong language is 8 appropriate to potentially prevent use of actual 9 physical force. 10 Q Okay. Then going to Page 4, referencing 11 decisions, it says: "We explained that the officers 12 were not entitled to qualified immunity, because 13 construing the evidence in the light most favorable 14 to the plaintiff at the time of the incident at issue 15 here, a reasonable officer would have known it 16 violated clearly established law to use a choke hold 17 on a non-arresting -- non-resisting arrestee who had 18 surrendered, pepper spray him and apply such knee 19 pressure on his back and -- on his neck and back that 20 it would cause a collapse of five vertebrae in his 21 cervical spine." 22 Do you agree with that statement? 23 A Yeah. 24 Q Do you agree that a reasonable officer would 25 know at the time of the incident with -- well, strike</p>

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36 (Pages 138 to 141)

<p style="text-align: right;">Page 138</p> <p>1 that.</p> <p>2 At the time of the incident with Tashii, did</p> <p>3 you know that it would have violated a clearly</p> <p>4 established law to use a choke hold on a</p> <p>5 non-resisting arrestee?</p> <p>6 MR. ANDERSON: Objection. Form.</p> <p>7 MR. MCNUTT: And incomplete hypothetical.</p> <p>8 THE WITNESS: Can you -- I'm sorry. Can you</p> <p>9 say it one more time?</p> <p>10 BY MR. LAGOMARSINO:</p> <p>11 Q I know you've said that Tashii was resisting</p> <p>12 either passively or actively. I'm just asking if</p> <p>13 you -- of your state of mind as to the state of the</p> <p>14 law at the time, okay, on May 14th of 2017, did you</p> <p>15 know that it would violate clearly established law to</p> <p>16 use a choke hold on a non-resisting arrestee?</p> <p>17 A Yes.</p> <p>18 Q If -- if a citizen is resisting you and</p> <p>19 doesn't stop resisting, are you as an officer still</p> <p>20 allowed to use any amount of force you deem fit?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 THE WITNESS: I think you're allowed to use</p> <p>23 force to overcome the resist- -- the minimal amount</p> <p>24 of force necessary to overcome resistance.</p> <p>25 ///</p>	<p style="text-align: right;">Page 140</p> <p>1 "Metro's Fiscal Affairs Committee approved a</p> <p>2 \$1 million settlement for James, Dorothy and Michelle</p> <p>3 Boone, relatives of Dustin Boone, a 29-year-old who</p> <p>4 died in November of 2009 after an officer put him in</p> <p>5 a lateral vascular neck restraint. The restraint</p> <p>6 cuts blood flow to the brain."</p> <p>7 Had you ever been trained on this case?</p> <p>8 A No.</p> <p>9 Q Did you ever hear of this case?</p> <p>10 A I don't think so.</p> <p>11 Q Had you ever heard of any cases where --</p> <p>12 strike that.</p> <p>13 I'm not talking about civil cases. Have you</p> <p>14 ever heard of any incidents in your capacity as an</p> <p>15 officer, sergeant at Metro where somebody was</p> <p>16 seriously injured when an LVNR was applied to them</p> <p>17 improperly?</p> <p>18 A No.</p> <p>19 Q Are you aware that many police departments</p> <p>20 around the country have banned the use of the LVNR?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 THE WITNESS: I think there's a lot of</p> <p>23 police departments that never even employed the LVNR,</p> <p>24 but, yeah, I'm aware that many don't use it.</p> <p>25 ///</p>
<p style="text-align: right;">Page 139</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q Okay. Okay. So, I guess, stated</p> <p>3 differently, just because somebody's resisting you</p> <p>4 without a weapon and doesn't present the threat of</p> <p>5 physical harm to you doesn't mean that you can use</p> <p>6 deadly force, correct?</p> <p>7 A Right. It's the totality of the</p> <p>8 circumstances. You would have to articulate why you</p> <p>9 had to use deadly force.</p> <p>10 Q Are you aware that even when some force is</p> <p>11 justified, the amount actually used can still be</p> <p>12 considered excessive?</p> <p>13 A Yes.</p> <p>14 MR. LAGOMARSINO: All right. Exhibit 8.</p> <p>15 (Plaintiff's Exhibit No. 8 was marked</p> <p>16 for identification.)</p> <p>17 BY MR. LAGOMARSINO:</p> <p>18 Q All right. Exhibit 8 is an article. It</p> <p>19 says: "Metro police pay \$1 million to family of</p> <p>20 choke hold victim," Joe Schoenmann, May 23, 2011.</p> <p>21 Were you aware of this case?</p> <p>22 A Oh, is this not the same one we were just</p> <p>23 going over? No.</p> <p>24 Q It says: "Metro physical officers -- sorry,</p> <p>25 the second paragraph. I'll start over.</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q Okay. And do you know why?</p> <p>3 A I think for one, to actually use the LVNR, I</p> <p>4 think you have to pay the guy who invented it, like,</p> <p>5 royalties.</p> <p>6 Q Oh, really?</p> <p>7 A So that's probably part of it.</p> <p>8 Q Maybe we should contact him and let him</p> <p>9 know. I'm just joking.</p> <p>10 MR. MCNUTT: You should depose Lindell.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q Yeah. It says here: "Some of Metro's</p> <p>13 largest settlements have come after the death of</p> <p>14 someone put into the lateral vascular neck restraint,</p> <p>15 a move that Los Angeles Police discontinued after</p> <p>16 several deaths in the 1980s. The estate of Charles</p> <p>17 Bush settled with Metro for \$1.1 million after Bush</p> <p>18 died in 1991."</p> <p>19 Is that the case you're thinking about that</p> <p>20 happened in the motel?</p> <p>21 A Maybe.</p> <p>22 Q Did you ever hear about that case?</p> <p>23 A I thought I heard about one that happened in</p> <p>24 a motel with, like, undercover officers or something,</p> <p>25 but it was -- it had to have been a long time ago, so</p>

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<p>1 it could be that.</p> <p>2 Q And had you heard of the case of the family</p> <p>3 of French citizen Philippe LeMenn who died in the</p> <p>4 Clark County Detention Center in 2001 and settled for</p> <p>5 \$500,00 in 2003?</p> <p>6 A Not specifically, no.</p> <p>7 Q Were you able to tell one way or the other</p> <p>8 whether Officer Lopera placed his forearm over</p> <p>9 Tashii's carotid artery?</p> <p>10 A I remember seeing that Tashii's chin was in</p> <p>11 line with his elbow when I glanced up just</p> <p>12 momentarily, which would mean that it's properly</p> <p>13 placed.</p> <p>14 Q Does the LVNR constrict blood flow?</p> <p>15 A Yes.</p> <p>16 Q Does unconsciousness occur from the LVNR or</p> <p>17 can it?</p> <p>18 A Yes.</p> <p>19 Q Okay. At the time of the incident, when was</p> <p>20 an LVNR allowed to be used?</p> <p>21 A I believe it started in active resistance</p> <p>22 level of the police force policy.</p> <p>23 MR. LAGOMARSINO: Exhibit 9.</p> <p>24 (Plaintiff's Exhibit No. 9 was marked</p> <p>25 for identification.)</p>	<p>1 Q And how were you advised of the statement of</p> <p>2 the complaint?</p> <p>3 A I think they're probably saying -- the</p> <p>4 statement of complaint -- sorry. Just to get into</p> <p>5 the minutia of Metro, statement of complaint</p> <p>6 generally refers to something that IEB is</p> <p>7 investigating. So they're talking about -- or</p> <p>8 alleged policy violation. We're going with or</p> <p>9 alleged policy violation. So this is from the</p> <p>10 tactical review board. It sustained me for the major</p> <p>11 incident, all-hazard plan and body camera, so that's</p> <p>12 what they're talking about. Does that answer your</p> <p>13 question?</p> <p>14 Q Yes. When you were relieved of duty, how</p> <p>15 long were you relieved of duty for?</p> <p>16 A Until, I think, technically November 1st.</p> <p>17 (Plaintiff's Exhibit No. 10 was</p> <p>18 marked for identification.)</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q What is Exhibit 10?</p> <p>21 A It looks like the top got cut off, but it's</p> <p>22 probably a return to duty form.</p> <p>23 Q It looks like you have the fax cover part</p> <p>24 there?</p> <p>25 A Yeah. It looks like it got off, but I think</p>
Page 143	Page 145
<p>1 BY MR. LAGOMARSINO:</p> <p>2 Q What is Exhibit 9?</p> <p>3 A This is my notice relieving me of duty.</p> <p>4 Q How were you given that?</p> <p>5 A I arrived -- well, I was on my way to work</p> <p>6 on whatever date this was, September 27th, and my</p> <p>7 lieutenant at the time texted me and said, "See me in</p> <p>8 my office before briefing."</p> <p>9 I actually got to work a little bit early,</p> <p>10 put on my uniform, walked into his office, and he</p> <p>11 said, "Oh, you got dressed."</p> <p>12 And I said, "Oh, are you relieving me of</p> <p>13 duty?"</p> <p>14 He said, "Yes."</p> <p>15 Q Did he secure your rifle?</p> <p>16 A Yes.</p> <p>17 Q Does this appear to be a true and correct</p> <p>18 copy of the relief-of-duty document?</p> <p>19 A Yes.</p> <p>20 Q It says here in the bottom: "I acknowledge</p> <p>21 that I have been admonished regarding the SOC or</p> <p>22 alleged policy violation that has led to my being</p> <p>23 relieved of duty."</p> <p>24 What's SOC?</p> <p>25 A Statement of complaint.</p>	<p>1 it -- LVMPD 117 is the form number. And from what</p> <p>2 I'm reading, it's a return-to-duty form.</p> <p>3 Q Between the date of the incident with Tashii</p> <p>4 and September 27th, did you still remain a sergeant?</p> <p>5 A Yes.</p> <p>6 Q And when you were placed -- when you were</p> <p>7 relieved of duty between September 27th and, it says</p> <p>8 here --</p> <p>9 A That's when they returned me to duty. I was</p> <p>10 non-confirmed on November 1st.</p> <p>11 Q So between November 1st and September 27th,</p> <p>12 were you relieved of duty with pay or without pay?</p> <p>13 A With pay.</p> <p>14 Q Okay. Did you go out of town at all during</p> <p>15 that time?</p> <p>16 A No.</p> <p>17 Q When you returned to duty, what position</p> <p>18 were you placed in?</p> <p>19 A Police off- -- patrol officer.</p> <p>20 Q 2?</p> <p>21 A Yes.</p> <p>22 Q There's PO1, PO2. Is there a PO3?</p> <p>23 A No.</p> <p>24 Q Next step up is a sergeant, correct?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 146</p> <p>1 Q Did you stay at the same squad?</p> <p>2 A No.</p> <p>3 Q Did they tell you why you were to change</p> <p>4 squads?</p> <p>5 A Well, so you're changing your</p> <p>6 classification, so there may not be room on the squad</p> <p>7 that you were just a sergeant of. Plus, it would</p> <p>8 kind of be weird if you were now an officer. So</p> <p>9 you'd go wherever there are vacancies on the</p> <p>10 department. So I went to swing shift in the</p> <p>11 northwest area command.</p> <p>12 (Plaintiff's Exhibit No. 11 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q I'm handing you Exhibit 11. It starts at</p> <p>16 2108 and ends at 2126, the last page.</p> <p>17 A Okay.</p> <p>18 Q Does this appear to you to be a true and</p> <p>19 correct copy of your training history?</p> <p>20 A Yes. I should say this is everything after</p> <p>21 the academy. This is what's listed in our online</p> <p>22 training record. The stuff that happens in the</p> <p>23 academy is probably not on this record.</p> <p>24 Q Okay. And then this looks like it's all the</p> <p>25 way up to March 29th of 2018?</p>	<p style="text-align: right;">Page 148</p> <p>1 Q Okay. Going to the next page, under 45, it</p> <p>2 says: "A guide to UMLV for supervisors and training</p> <p>3 coordinators."</p> <p>4 What's UMLV?</p> <p>5 A That's this program that you're looking at</p> <p>6 right here, this training record, some courses are</p> <p>7 online, some courses are classroom, but it's all</p> <p>8 managed through this program. So to look at -- so</p> <p>9 this class you're talking about is for me to look at</p> <p>10 my squad and make sure that they're up to date on</p> <p>11 their training.</p> <p>12 Q Okay. And then beneath it, "Taser use</p> <p>13 warning," is that required?</p> <p>14 A Yes. I'm sure it was.</p> <p>15 Q Can you please turn to 2111, Line 112. What</p> <p>16 is that RCT 1506P, foot pursuit and Fourth Amendment.</p> <p>17 A That's a class about our foot pursuit</p> <p>18 policy.</p> <p>19 Q Is that required?</p> <p>20 A I'm sure it was.</p> <p>21 Q And what's in that class? Is it classroom?</p> <p>22 A It was probably online.</p> <p>23 Q Page 2118, 350 and 351, what are those</p> <p>24 classes?</p> <p>25 A That's a firearms qualification.</p>
<p style="text-align: right;">Page 147</p> <p>1 A Yes.</p> <p>2 Q Who chooses what training you go through?</p> <p>3 A Some training courses are mandated by Nevada</p> <p>4 POST, Police Officer Standards and Training, the</p> <p>5 state. Some training courses are mandated by the</p> <p>6 department, and then some courses are electives.</p> <p>7 Q Where it says on the first page, under Line</p> <p>8 17, "Biased-Based policing refresher," is that</p> <p>9 required?</p> <p>10 A Yes.</p> <p>11 Q How often do you take that?</p> <p>12 A I don't know.</p> <p>13 Q Okay. Going to 26 and 27, "PO critical</p> <p>14 procedures," is that required?</p> <p>15 A Yes.</p> <p>16 Q How often do you take that?</p> <p>17 A Quarterly.</p> <p>18 Q Also going to 36, "PO critical procedures,"</p> <p>19 same questions, right, same -- same class?</p> <p>20 A Yes.</p> <p>21 Q Are they different classes?</p> <p>22 A So your critical procedures are in Section 6</p> <p>23 of our policy manual, so they will come up with new</p> <p>24 questions each quarter based on the policies that</p> <p>25 fall in our critical procedures policies.</p>	<p style="text-align: right;">Page 149</p> <p>1 Q So what is entailed in that?</p> <p>2 A Going to the range and shooting.</p> <p>3 Q Okay. So if you don't have a certain amount</p> <p>4 of accuracy, you have to take it again?</p> <p>5 A Correct.</p> <p>6 Q Okay. There's a training on Page 2120, Line</p> <p>7 427, excited delirium. Did Tashii show signs of</p> <p>8 excited delirium to you when you were on the scene?</p> <p>9 A I did believe that he was probably in a</p> <p>10 state of excited delirium, yes.</p> <p>11 Q What is excited delirium?</p> <p>12 A State of mental and physical, medical</p> <p>13 distress, usually caused by illegal drug use.</p> <p>14 Involves high body temperature, usually causing some</p> <p>15 kind of brain, you know, cutting off oxygen to the</p> <p>16 brain.</p> <p>17 Q When did you first believe that he may have</p> <p>18 exhibited signs of excited delirium?</p> <p>19 A I guess I almost assumed it as I pulled up</p> <p>20 because if an officer's been in a fight with somebody</p> <p>21 for that long, an officer that I think is probably</p> <p>22 pretty capable of taking somebody into custody, then</p> <p>23 I assume that they're at least on drugs, and then</p> <p>24 obviously that can lead to excited delirium. I guess</p> <p>25 I had my suspicions as soon as I was arriving.</p>

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<p>1 Q All right. You're subject, as an officer, 2 to discipline if a suspect gets away after you have 3 tried to arrest them? 4 A Was the question -- I'm sorry. 5 Q Sorry. 6 A I think I heard it. 7 Q If you're trying to arrest a suspect and he 8 gets away, are you subject to discipline? 9 A No. If he was in handcuffs and got away, 10 maybe, because you lost the handcuffs. 11 Q Page 2124, 2/12/2008, there's a line 560. 12 A Yes. 13 Q It says, "Use-of-force issues and 14 documentation, no-show, not attempted." Do you 15 recall why you didn't show up? 16 MR. MCNUTT: What line was that? 17 MR. LAGOMARSINO: Sorry. 560. 18 MR. MCNUTT: 560. Thanks. 19 BY MR. LAGOMARSINO: 20 Q Do you know why you no-showed that one? 21 A I do not recall ten years ago whether I was 22 a no-show. I'm sure that that was required, so 23 there's no way that I would still have been allowed 24 to keep working had it not been done, because there's 25 no way that wasn't a required class.</p>	<p>1 committed policy violations, they sustained me for 2 those policy violations, and then they removed me 3 from my position. 4 Q And so -- 5 A As a result, which should normally be 6 discipline, they contend that it was not discipline. 7 Q Why do they contend it's not discipline? 8 A My -- my theory? 9 Q Yeah. 10 A My estimation? Because if you -- if they 11 give me discipline, then I am allowed to grieve and 12 arbitrate that discipline by contract. And if they 13 non-confirm me from my position, then it's their 14 position that I have no standing to flex that 15 position. 16 Q I see. You considered it a demotion, 17 correct? 18 A Yes, sir. 19 Q So you consider it discipline? 20 A I do. 21 Q Any other time when you've received a 22 written reprimand? 23 A No. 24 Q Have you ever received a verbal reprimand? 25 A I'm sure I have.</p>
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<p>1 And I do remember, now that you mention it, 2 so right around the first of each year, POST checks 3 and makes sure you've done all your required 4 training. And I remember right after the first in 5 2009, I got a letter from POST that said that I was 6 deficient in my training. And I knew that I wasn't. 7 And I called my sergeant at the time, and he said, 8 "Yeah, I just got the same letter. It's not 9 correct." 10 And there was a bunch of errors. And it 11 got -- it all got worked out. So if that was during 12 2008, it's possible that was a part of it. 13 Q All right. Have you ever been disciplined 14 by Metro? 15 A In my opinion or Metro's opinion? 16 Q Let's go with same thing every lawyer says, 17 both. 18 A Okay. Well, in this incident, Metro's 19 opinion is that they did not discipline me. In my 20 opinion, I believe that they did discipline me. 21 Previous to this -- 22 Q Well, let me stop you there. What do you 23 base that on that Metro said they did not discipline 24 you? 25 A They sustained me for -- they alleged that I</p>	<p>1 Q Have you ever been accused by a citizen of 2 excessive force? 3 A No. 4 Q Did you take any steps to assess the scene 5 between the time you parked and the time you started 6 physical contact with Tashii? 7 A No. 8 Q I may not have to show you the video, but -- 9 so we referenced a video that Metro put out about the 10 LVNR. 11 A Yes. 12 Q And when is the last time you saw that 13 roughly? 14 A A year and a half ago. 15 Q Do you remember the video, who put out -- 16 who was in the video? 17 A Vaguely. 18 Q All right. Maybe we should show it, well, 19 on the next break. We're pretty much close to being 20 done. I just have... 21 Here it says that officers can only use hand 22 strikes when a suspect is displaying aggressive 23 resistance. 24 A I remember reading that, yes. 25 Q Did you watch the video of Officer Lopera</p>

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<p>1 striking Farmer?</p> <p>2 A Yes.</p> <p>3 Q Did you see Farmer trying to protect his</p> <p>4 face from being hit?</p> <p>5 A I remember seeing him with his hands up.</p> <p>6 Q By his face?</p> <p>7 A Yes.</p> <p>8 Q When you watched the video, did you see</p> <p>9 Tashii running from Lopera from inside the hotel to</p> <p>10 outside the hotel and to the white truck?</p> <p>11 A Yes. I mean, there's a period of time where</p> <p>12 you don't see Farmer.</p> <p>13 Q Right. Did you see Farmer by the white</p> <p>14 truck?</p> <p>15 A Yes.</p> <p>16 Q When you watched it, did you believe he was</p> <p>17 trying to hijack or strike -- carjack the truck?</p> <p>18 MR. MCNUTT: Objection.</p> <p>19 MR. ANDERSON: Form.</p> <p>20 THE WITNESS: From my perception?</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q Right.</p> <p>23 A I can tell you that when you watch Lopera's</p> <p>24 body camera, I can understand why he thought that</p> <p>25 that was what Farmer was trying to do. And then when</p>	<p>1 most important reason.</p> <p>2 Q What are the four physiological factors that</p> <p>3 establish control for the LVNR?</p> <p>4 A Four physiologic-- are you talking about,</p> <p>5 like, the Valsalva maneuver, carotid restraint --</p> <p>6 Q Yeah.</p> <p>7 A -- vascular -- what is it, vascular</p> <p>8 compression, then head placement.</p> <p>9 Q Carotid compression?</p> <p>10 A Carotid compression, vagus --</p> <p>11 Q Yeah.</p> <p>12 A -- is that what that is?</p> <p>13 Q Yeah.</p> <p>14 A And venus compression.</p> <p>15 Q Okay. When somebody is rendered unconscious</p> <p>16 by the LVNR, when does the subject generally revive?</p> <p>17 A I think it's within like 30 seconds or</p> <p>18 something, a minute.</p> <p>19 MR. LAGOMARSINO: Let's just take a break.</p> <p>20 We're just going to show him the video, and then we</p> <p>21 don't have a lot of questions.</p> <p>22 THE VIDEOGRAPHER: We are going off the</p> <p>23 record. The time is approximately 3:23 p.m.</p> <p>24 (Off the record.)</p> <p>25 (Playing video.)</p>
Page 155	Page 157
<p>1 you take the high-level view from the Venetian</p> <p>2 security camera on the corner, from there, I can tell</p> <p>3 that really Farmer touches that truck as he's looking</p> <p>4 around to decide where he's going to run next or if</p> <p>5 he can run somewhere next. He is trying to make a</p> <p>6 plan.</p> <p>7 Q Okay.</p> <p>8 A So I don't know if that could have been part</p> <p>9 of his plan, but I can tell a little better from that</p> <p>10 level that he is trying to make a plan.</p> <p>11 Q Sure. And -- but based on watching Lopera's</p> <p>12 camera, did you feel, wow, looks like he is trying to</p> <p>13 carjack that vehicle?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 THE WITNESS: It would raise my suspicions</p> <p>16 if I was the officer in that position, yes, that that</p> <p>17 might be a possibility.</p> <p>18 BY MR. LAGOMARSINO:</p> <p>19 Q Okay. In viewing all the videos, did you</p> <p>20 ever come to a conclusion that Lopera was acting in</p> <p>21 self-defense?</p> <p>22 A No, not definitively, no.</p> <p>23 Q Why is it important to activate your body</p> <p>24 camera?</p> <p>25 A Because it's policy. Honestly, that's the</p>	<p>1 THE VIDEOGRAPHER: Standby, please. The</p> <p>2 time is approximately 3:32 p.m. We are back on the</p> <p>3 record.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q Officer Crumrine, during the break we were</p> <p>6 playing this LVNR restraint video. Didn't --</p> <p>7 admittedly doesn't have any sound really playing.</p> <p>8 Have you seen this before?</p> <p>9 A Yes.</p> <p>10 Q Do you know who that is?</p> <p>11 A That is Mike Bland.</p> <p>12 Q Okay.</p> <p>13 A B-L-A-N-D.</p> <p>14 Q He is the instructing on the LVNR?</p> <p>15 A Correct.</p> <p>16 Q Do you know if this video was produced</p> <p>17 before or after the Tashii incident?</p> <p>18 A I believe it was produced after.</p> <p>19 Q And how do you know that?</p> <p>20 A I believe it was produced so that at the</p> <p>21 tactical review board we could demonstrate for the</p> <p>22 citizens on the review board who are not familiar</p> <p>23 with -- or maybe not familiar with the LVNR what that</p> <p>24 looks like.</p> <p>25 MR. LAGOMARSINO: Okay. Then we will just</p>

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<p>1 introduce it as Exhibit 12. 2 (Plaintiff's Exhibit No. 12 was 3 marked for identification.) 4 MR. LAGOMARSINO: I have no further 5 questions. 6 MR. MCNUTT: At all or just on the video? 7 MR. LAGOMARSINO: On the video. But I'll 8 probably have a couple follow-ups when you're done, 9 but just to save some time. 10 MR. MCNUTT: Sure. 11 MR. ANDERSON: Do you want to go, or do you 12 want me to go? 13 MR. MCNUTT: Go ahead. 14 EXAMINATION 15 BY MR. ANDERSON: 16 Q Officer Crumrine, when you arrived on the 17 scene, what information did you have about what had 18 occurred prior to arrival? 19 A I had zero information. 20 Q When you arrive on a scene to a dynamic 21 situation that is still active, such as the one you 22 encountered with Mr. Farmer and Officer Lopera, what 23 is your first priority? 24 A First priority is always life safety, which 25 in this instance would be take him into custody.</p>	<p>1 of times at this point -- but if an officer observed 2 another officer using force that's clearly beyond 3 objectively reasonable, egregious, outlandish, an 4 officer must, when safe to do so, intervene to stop 5 that force being used and immediately report that to 6 a supervisor. 7 Q Upon your arrival, did you believe that 8 Officer Lopera was using unconstitutional force? 9 A No. 10 Q Did you have any idea as to why he was even 11 using force? 12 A No. 13 Q As a police officer, are you allowed to 14 assume that an officer has acted pursuant to policy 15 in the constitution prior to your arrival? 16 A Yes. 17 Q And did you do so in this case? 18 A Yes. 19 Q Hypothetically, if you do see someone where 20 you believe intervention is necessary, how can an 21 officer intervene? 22 A You can intervene by -- verbally or with 23 physical actions or both. 24 Q So is giving orders a form of intervention? 25 A Yes.</p>
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<p>1 Q So your first priority upon arriving would 2 be to do what? 3 A Place Tashii Farmer in handcuffs. 4 Q When you arrive on a scene such as this, 5 would you ever stop and ask the officer questions or 6 find out why he had ended up on the ground at that 7 point? 8 A No. 9 Q When would you ask those questions? 10 A After the scene was static, safe. 11 Q Is that pursuant to your training and LVMPD 12 policies? 13 A Yes. 14 Q In your opinion, is it a legitimate law 15 enforcement task to effectuate handcuffing before you 16 investigate what happened? 17 A Yes. 18 Q Are you trained by the Las Vegas 19 Metropolitan Police Department in the duty to 20 intervene? 21 A Yes. 22 Q What does that mean to you, duty to 23 intervene? 24 A That means -- I'm going to wind up 25 paraphrasing the policy, because I've read it a ton</p>	<p>1 Q When you arrived in this case, did you give 2 orders to Officer Lopera? 3 A I did. 4 Q And what were those orders? 5 A "Let go. Let him go." 6 Q And what did you mean by that? 7 A I wanted him to relax the hold and help roll 8 him over to effectuate handcuffing. 9 Q And so did you give Officer Lopera orders to 10 reduce the amount of pressure he was applying to 11 Mr. Farmer's neck, if he was applying any? 12 A Yes. 13 Q Could you tell from where you were at if any 14 pressure was being applied to Mr. Farmer's neck? 15 A No. 16 Q Would you ever be able to tell that during 17 the dynamic situation? 18 A No. 19 Q So when you told Officer Lopera to let go, 20 what would you want him to do at that point? 21 A I would want him to maintain control over 22 the -- help me maintain control over Farmer and roll 23 over as we're all trained to do, roll him over so we 24 can get the handcuffs on. 25 Q Would Officer Lopera keep his arms in a</p>

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42 (Pages 162 to 165)

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<p>1 location that they were in when you arrived?</p> <p>2 A Yes.</p> <p>3 Q Okay. So you'd still expect him to have an</p> <p>4 arm or a forearm in the neck area?</p> <p>5 A Correct.</p> <p>6 Q Just not applying pressure?</p> <p>7 A Correct.</p> <p>8 Q When you arrived, did you spend any time</p> <p>9 watching Officer Lopera and Mr. Farmer or did you</p> <p>10 immediately become engaged?</p> <p>11 A I immediately became engaged.</p> <p>12 Q And that was to assist with handcuffing?</p> <p>13 A Yes.</p> <p>14 Q Had you ever met Farmer before?</p> <p>15 A No.</p> <p>16 Q Did you have any reason to dislike</p> <p>17 Mr. Farmer?</p> <p>18 A No.</p> <p>19 Q Did you have any desire to cause Mr. Farmer</p> <p>20 any pain or injury?</p> <p>21 A No.</p> <p>22 Q Did you ever hit Mr. Farmer?</p> <p>23 A No.</p> <p>24 Q Did you ever kick Mr. Farmer?</p> <p>25 A No.</p>	<p>1 A Not really.</p> <p>2 Q When you arrived, was it your perception</p> <p>3 that Mr. Farmer was resisting?</p> <p>4 A Yes.</p> <p>5 Q During the time that you were assisting with</p> <p>6 the handcuffing, did you believe that Mr. Farmer was</p> <p>7 resisting?</p> <p>8 A Yes.</p> <p>9 MR. ANDERSON: That's all I have.</p> <p>10 EXAMINATION</p> <p>11 BY MR. MCNUTT:</p> <p>12 Q Officer Crumrine, Dan McNutt on behalf of</p> <p>13 Ken Lopera. We met at the last deposition.</p> <p>14 A Yes, sir.</p> <p>15 Q Thanks for your time today. I just have,</p> <p>16 well, maybe a little more than Craig did, but just a</p> <p>17 few questions.</p> <p>18 Can you describe for me what your</p> <p>19 understanding of excited delirium is?</p> <p>20 A An acute mental and physical medical</p> <p>21 condition that is contrib- -- has contributing</p> <p>22 factors of illegal drug use, raised heart rate, fast</p> <p>23 breathing, elevated body temperature and -- yeah.</p> <p>24 Q Okay. Is being under the influence of a</p> <p>25 controlled substance a crime in Nevada?</p>
Page 163	Page 165
<p>1 Q Did you ever throw any punches?</p> <p>2 A No.</p> <p>3 Q What was all the force you used against</p> <p>4 Mr. Farmer?</p> <p>5 A Empty hand tactics, specifically handcuffs.</p> <p>6 Q Okay. So all the force you used was</p> <p>7 specifically designed to handcuff him?</p> <p>8 A Correct.</p> <p>9 Q Was that pursuant to LVMPD policy and</p> <p>10 procedure?</p> <p>11 A Yes.</p> <p>12 Q Is that con- -- is what you did considered</p> <p>13 minimal force or intermediate force?</p> <p>14 A Low-level force, yes.</p> <p>15 Q Now, when you gave Officer Lopera the order</p> <p>16 to loosen up, did you have any reason to expect that</p> <p>17 he would not follow that order?</p> <p>18 A No.</p> <p>19 Q Had you ever had any problems with Officer</p> <p>20 Lopera in the past not following your orders?</p> <p>21 A No.</p> <p>22 Q Is there any situation you can think of</p> <p>23 where you would stop assisting with handcuffing and</p> <p>24 check the pressure being applied to someone's neck</p> <p>25 before handcuffing is complete?</p>	<p>1 A Yes.</p> <p>2 Q Is trespassing a crime in Nevada?</p> <p>3 A Yes.</p> <p>4 Q Is carjacking a crime in Nevada?</p> <p>5 A Yes.</p> <p>6 Q And resisting arrest is a crime in Nevada?</p> <p>7 A Yes.</p> <p>8 Q You talked earlier about Officer Lopera's</p> <p>9 perspective as he was pursuing Tashii Farmer with --</p> <p>10 relative to the carjacking versus the overhead</p> <p>11 Venetian camera view and kind of the after-action</p> <p>12 review or analysis of what Mr. Farmer may or may not</p> <p>13 have been doing.</p> <p>14 Had Mr. Farmer survived this incident and</p> <p>15 Officer -- could Officer Lopera have charged him with</p> <p>16 carjacking based on his perceptions of the incident?</p> <p>17 A Possibly.</p> <p>18 Q Okay. You talked a little bit about taser</p> <p>19 policy with Mr. Lagomarsino. And I think you said</p> <p>20 something along the lines of Metro's policy is after</p> <p>21 three taser cycles, the officer is encouraged or</p> <p>22 should consider another use-of-force option. Is that</p> <p>23 accurate?</p> <p>24 A Yes.</p> <p>25 Q But there are circumstances where -- well,</p>

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<p style="text-align: right;">Page 166</p> <p>1 question: Are there circumstances where an officer</p> <p>2 is allowed to use the taser for more than three</p> <p>3 cycles?</p> <p>4 A Yes.</p> <p>5 Q And is one of those instances when the</p> <p>6 officer is -- the arresting officer is alone?</p> <p>7 A Yes.</p> <p>8 Q What are the other considerations, if any,</p> <p>9 that an officer can have to use the taser more than</p> <p>10 three times?</p> <p>11 A Potential for injury to the suspect,</p> <p>12 potential for injury to citizens in the area,</p> <p>13 potential for injury to the officer, if you were to</p> <p>14 transition. Gosh, there could be a ton of things.</p> <p>15 Q Okay. If one of your officers believes or</p> <p>16 any Metro officer believes that a suspect is under</p> <p>17 the influence of a controlled substance, is that</p> <p>18 off- -- is that officer authorized to stop that</p> <p>19 individual?</p> <p>20 A Yes.</p> <p>21 Q If the -- if one of your officers or any</p> <p>22 Metro officer viewed a suspect running, fleeing from</p> <p>23 the police and running into a restricted area inside</p> <p>24 a casino, would that officer be authorized to pursue</p> <p>25 that suspect?</p>	<p style="text-align: right;">Page 168</p> <p>1 MR. LAGOMARSINO: Objection. Form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: Sorry. I am.</p> <p>4 BY MR. MCNUTT:</p> <p>5 Q And how did you come to that knowledge?</p> <p>6 A From the CIRT report at the tactical review</p> <p>7 board.</p> <p>8 Q Go to Page 2077 of that document.</p> <p>9 A Okay.</p> <p>10 Q Have you ever seen this toxicology testing</p> <p>11 before?</p> <p>12 A Yes.</p> <p>13 Q And do you see where it says "amphetamine</p> <p>14 and methamphetamine," the results are positive?</p> <p>15 A Yes.</p> <p>16 Q And does that also inform your opinion that</p> <p>17 Mr. Farmer was under the influence of amphetamines</p> <p>18 and methamphetamines?</p> <p>19 MR. LAGOMARSINO: Form. Foundation.</p> <p>20 THE WITNESS: Yes. I actually also saw a</p> <p>21 different version of this graph that also included</p> <p>22 that -- the baseline for meth intoxication is 600</p> <p>23 nanograms per millileter of --</p> <p>24 MR. MCNUTT: Okay.</p> <p>25 THE WITNESS: -- methamphetamine.</p>
<p style="text-align: right;">Page 167</p> <p>1 A Yes.</p> <p>2 Q Should that officer pursue that suspect?</p> <p>3 A Generally speaking, I would expect that</p> <p>4 officer to pursue that suspect.</p> <p>5 Q So if you go to what has been previously</p> <p>6 marked as Exhibit 4, which is the Force Investigative</p> <p>7 Team Report, starts at LVMPD 2058.</p> <p>8 A Yes.</p> <p>9 Q And if you go to LVMPD 2090, which is 33 of</p> <p>10 35.</p> <p>11 A Yes.</p> <p>12 Q So if you go down to the second number 1 at</p> <p>13 the bottom half of the page, it says: "The severity</p> <p>14 of the crimes at issue." It says: "There was no</p> <p>15 crime committed at the onset of the incident or when</p> <p>16 Officer Lopera engaged in the foot pursuit."</p> <p>17 Do you agree with that statement?</p> <p>18 A No.</p> <p>19 Q Why not?</p> <p>20 A I believe that there was at least</p> <p>21 trespassing.</p> <p>22 Q And are you aware now that Ken -- or excuse</p> <p>23 me, Tashii Farmer was under the influence of a</p> <p>24 control substance?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 169</p> <p>1 BY MR. MCNUTT:</p> <p>2 Q Thank you. And that evidence would be</p> <p>3 enough to charge Mr. Farmer with a crime, correct?</p> <p>4 A Yes.</p> <p>5 MR. LAGOMARSINO: Belated objection. Form.</p> <p>6 Foundation.</p> <p>7 THE WITNESS: Sorry.</p> <p>8 MR. LAGOMARSINO: That's my bad.</p> <p>9 MR. MCNUTT: Overruled.</p> <p>10 MR. LAGOMARSINO: You don't even have a</p> <p>11 black robe on. How do you have the fever?</p> <p>12 MR. MCNUTT: True.</p> <p>13 BY MR. MCNUTT:</p> <p>14 Q Go to LVMPD 2091, please.</p> <p>15 A Okay.</p> <p>16 Q At the second paragraph up from the bottom</p> <p>17 is where you read earlier with Mr. Lagomarsino</p> <p>18 that -- what the LVMPD policy states with respect to</p> <p>19 a foot pursuit. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q So based upon this policy, would it be --</p> <p>22 would an officer be authorized to pursue Mr. Farmer</p> <p>23 since he was under the influence of a controlled</p> <p>24 substance?</p> <p>25 A Yes.</p>

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<p>1 MR. LAGOMARSINO: Objection. Form 2 foundation. 3 THE WITNESS: Yes. 4 BY MR. MCNUTT: 5 Q And separately, would he be authorized to 6 pursue Mr. Farmer when he was running into a 7 restricted area? 8 A Yes. 9 Q Let's talk a little bit about Metro's policy 10 relative to using an LVNR and then handcuffing the 11 suspect upon which the LVNR is being used. Is it 12 Metro's policy that the LVNR position, meaning the 13 hand position that Officer Lopera had, be maintained 14 while the suspect is being handcuffed? 15 A Be maintained while the suspect -- 16 Q So, for example, let me ask a better 17 question. While you and Ken Lopera were attempting 18 to handcuff Tashii Farmer, should Officer Lopera have 19 kept his encircling arm around Tashii Farmer's neck 20 in the LVNR position? 21 A I expect him to maintain that position while 22 we are rolling Tashii Farmer over until he can safely 23 break away. Once Farmer goes to the ground face 24 down, then he is going to break away. He is going to 25 maintain that position until that time.</p>	<p>1 Q And that's -- is that how the LVNR is taught 2 to be applied? 3 A Correct. 4 Q That's where the encircling arm is supposed 5 to be? 6 A Correct. 7 Q And then at some point, you said, "Let him 8 go, Ken"? 9 A Yes. 10 Q Do you know if Ken Lopera heard you say that 11 or not given the scuffle and the background noise? 12 A I don't. 13 Q Okay. You never talked to him afterwards or 14 things along that line? 15 A No. 16 MR. MCNUTT: You want to switch me places, 17 Craig. 18 Andre, I'm going to show him the body 19 camera. I don't need to have that on video, so just 20 in terms of you to see it. 21 BY MR. MCNUTT: 22 Q Officer Crumrine, I'm going to show you what 23 I've got on my screen is the -- and I will represent 24 to you that this is Ken Lopera's body-worn camera 25 that's been produced in this litigation. And what</p>
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<p>1 Q Okay. And there may or may not be pressure 2 applied to the neck during that period of time, 3 correct? 4 A Correct. 5 Q When you came up to Tashii Farmer and Ken 6 Lopera, I think you described, you said, when you 7 exited your vehicle and ran towards them, you saw the 8 back of Ken Lopera's uniform and the back of his feet 9 because he was still, I guess, on his knees? 10 A Yeah. 11 Q And then he attempted or -- to put on the 12 LVNR? 13 A Correct. 14 Q Okay. And slid around. And you said 15 that -- I think you identified the fact that your 16 perception was it was an LVNR because you saw the 17 position of the encircling arm? 18 A Yes. 19 Q And what -- describe for me the position of 20 the encircling arm that Officer Lopera had on the 21 suspect and why that was an LVNR in your opinion. 22 A Just like I said, based on the position of 23 the front encircling arm, that his chin was in 24 line with -- Farmer's chin was in line with Lopera's 25 elbow.</p>	<p>1 we've got, it's not running right now, but you have 2 got the initial frame. Have you seen this video 3 before? 4 A Yes. 5 Q And do you recognize this as being the video 6 that you watched that you referenced earlier? 7 A Yes. 8 Q So I'm going to play the video, and I will 9 have a few questions for you. Let's see if I've got 10 the sound on. 11 (Playing video.) 12 THE WITNESS: It's not going to come up for 13 30 seconds. 14 BY MR. MCNUTT: 15 Q Okay. And why will the sound not come up 16 for 30 seconds? 17 A When the officer activates their body-worn 18 camera to start recording, you get the 30 seconds 19 before that press of the activation without audio. 20 Q Okay. 21 A So whenever you hear the audio start, that's 22 when the officer actually pushed their button to 23 start their recording. 24 Q Okay. Now, do you see this spot right here 25 where it says "caution" and there's some chain link</p>

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* * * Videotaped Deposition * * *

45 (Pages 174 to 177)

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<p>1 blocking off a section of the Venetian?</p> <p>2 A Yes.</p> <p>3 Q And do you recognize that as being the doors</p> <p>4 here to be back of the house?</p> <p>5 A Yes.</p> <p>6 Q And would it be your understanding that</p> <p>7 Tashii Farmer was authorized to be in that area?</p> <p>8 A No.</p> <p>9 Q Do you think Officer Lopera should have</p> <p>10 pursued him through the back of the house?</p> <p>11 A Yes.</p> <p>12 Q We just saw Officer Lopera wipe out in the</p> <p>13 sudsy water?</p> <p>14 A Yes.</p> <p>15 Q I'm going to fast forward this so we don't</p> <p>16 have to watch him run through the whole Venetian.</p> <p>17 So now outside the Venetian, do you</p> <p>18 recognize that?</p> <p>19 A Yes.</p> <p>20 Q That was Officer Lopera giving him verbal</p> <p>21 commands, correct?</p> <p>22 A Correct.</p> <p>23 Q Did the suspect comply with those verbal</p> <p>24 commands?</p> <p>25 A No.</p>	<p>1 A No, sir.</p> <p>2 Q So even though Tashii Farmer is saying that</p> <p>3 he will comply, is it your perception that he is</p> <p>4 complying?</p> <p>5 A No.</p> <p>6 Q At any point there, did you see that the</p> <p>7 suspect, Tashii Farmer, was complying with the verbal</p> <p>8 commands being given?</p> <p>9 A Other than get on the ground and he is on</p> <p>10 the ground, no.</p> <p>11 Q Now, you described Tashii Farmer as having</p> <p>12 what level of resistance?</p> <p>13 A He goes back and forth between passive and</p> <p>14 active, for the most part.</p> <p>15 Q And what's the difference between passive</p> <p>16 and active?</p> <p>17 A Your attempts to -- passive is more your</p> <p>18 attempt -- you're just trying to not get arrested,</p> <p>19 trying to get away. The active, where you're</p> <p>20 actively resisting being placed into custody.</p> <p>21 Q Okay. And what's the next level after that?</p> <p>22 A Aggravated -- or I'm sorry, aggressive.</p> <p>23 Q And what's the definitions of -- of</p> <p>24 aggressive resistance?</p> <p>25 A Showing an attempt to harm an officer.</p>
Page 175	Page 177
<p>1 Q Is it Las Vegas Metro policy to inform a</p> <p>2 suspect that if he doesn't comply, he could be tased?</p> <p>3 A If you have the time to do so, yes.</p> <p>4 Q And did Officer Lopera comply with that</p> <p>5 policy?</p> <p>6 A He did.</p> <p>7 Q So Officer Lopera has told the suspect not</p> <p>8 to move. Is the suspect complying with that?</p> <p>9 A No.</p> <p>10 Q How can you tell with that?</p> <p>11 A He sits up.</p> <p>12 Q So he gave him the verbal command to get on</p> <p>13 his stomach, and Tashii Farmer said he would, "I</p> <p>14 will, I will." But does he do that?</p> <p>15 A No.</p> <p>16 Q In your opinion, does Tashii Farmer have</p> <p>17 time to comply with Officer Lopera's commands?</p> <p>18 A I've seen people comply in that amount of</p> <p>19 time, yes. So yes.</p> <p>20 Q And this is at a period when Tashii Farmer</p> <p>21 is not under the influence of NMI or neuromuscular</p> <p>22 incapacitation?</p> <p>23 A I don't believe he is, because he is moving.</p> <p>24 Q Is he complying there when he says get on</p> <p>25 his stomach?</p>	<p>1 Q Okay. At any point so far, and we're at</p> <p>2 2:25 in the video, have you seen any aggressive</p> <p>3 resistance?</p> <p>4 A I don't believe so.</p> <p>5 Q Let me know if, at any point, you see any</p> <p>6 aggressive resistance.</p> <p>7 At any point through there, did you see any</p> <p>8 aggressive resistance?</p> <p>9 A I think -- can you back it up again?</p> <p>10 Q I can.</p> <p>11 Did you hear that?</p> <p>12 A Right in there, he took a swing at him.</p> <p>13 Sorry, Farmer took a swing at Lopera.</p> <p>14 Q Okay. Would that constitute aggressive</p> <p>15 resistance in your opinion?</p> <p>16 A That would be aggressive resistance.</p> <p>17 Q Now, at this point, have you arrived, do you</p> <p>18 know?</p> <p>19 A No, I have not arrived yet.</p> <p>20 Q Let me -- we're just going to continue to</p> <p>21 watch. You tell me when you have arrived, if you can</p> <p>22 tell from this body-worn camera angle. And if you</p> <p>23 can't tell, that's fine, because we have the other</p> <p>24 videos that we can tell.</p> <p>25 By the way, have you heard any other voices</p>

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<p style="text-align: right;">Page 178</p> <p>1 in this video other than Tashii Farmer and Ken 2 Lopera? 3 A Yeah. You can hear those security guards. 4 Q Okay. 5 MR. LAGOMARSINO: I'm going to return the 6 favor. When you heard Lopera say, "Help me out 7 here," is it your understanding that he is talking to 8 the security guards? 9 THE WITNESS: Yes. 10 BY MR. MCNUTT: 11 Q We're paused at 2:45 just because of the 12 question from Mr. Lagomarsino. Do you know, have any 13 idea who these other hands that we're seeing here 14 are? 15 A It has to be the two security guards. 16 Q Two security guards. Because you were the 17 first Metro officer on the scene to support Officer 18 Lopera, right? 19 A Correct. 20 Q Do you believe that officer -- excuse me, do 21 you believe Tashii Farmer is resisting at this point? 22 A Yes. 23 That's me. I'm here. 24 Q Okay. So that's you, and you're there 25 somewhere around the three-minute mark on that video.</p>	<p style="text-align: right;">Page 180</p> <p>1 the influence of methamphetamines that they were 2 under the influence of the illegal methamphetamine 3 rather than the legal methamphetamine? 4 MR. MCNUTT: Objection. Form. 5 THE WITNESS: I guess I would want to 6 consult with a DRE or maybe a doctor to find out how 7 many Vicks inhalers you would need to get to that 8 level of toxicology or that toxicity or whatever you 9 want to call it. 10 BY MR. LAGOMARSINO: 11 Q So based on the toxicology report alone, you 12 would not be able to sustain or have a criminal 13 conviction without further testing; is that true? 14 MR. MCNUTT: Objection. Form. 15 THE WITNESS: Since you -- the first I'm 16 hearing of this, I guess I would find it 17 unreasonable -- I mean, I don't know all the 18 intricate dealings of the FDA, but unreasonable that 19 they would approve a Vicks inhaler for 20 over-the-counter use if you could get 55 percent 21 above the baseline for meth intoxication by using 22 them. 23 BY MR. LAGOMARSINO: 24 Q Okay. 25 A Just, like, by a reasonable officer or</p>
<p style="text-align: right;">Page 179</p> <p>1 MR. MCNUTT: I have no further questions. 2 MR. LAGOMARSINO: Can we take a quick break. 3 THE VIDEOGRAPHER: We are going off the 4 record. The time is approximately 3:56 p.m. 5 (Off the record.) 6 THE VIDEOGRAPHER: The time is approximately 7 4:00 p.m. We are back on the record. 8 FURTHER EXAMINATION 9 BY MR. LAGOMARSINO: 10 Q You were asked some questions about the 11 toxicology results. Do you recall those questions? 12 A Yes. 13 Q Are you aware that there are different kinds 14 of methamphetamines? 15 A I guess I'm aware that there are different 16 kinds of amphetamines, I suppose, yes. 17 Q Are you aware of something called the 18 L-methamphetamine? 19 A No. 20 Q Are you aware that L-methamphetamine is 21 available over the counter as the active ingredient 22 in the Vicks inhaler? 23 A No. 24 Q Would you want to know before you made a 25 decision whether to charge somebody with being under</p>	<p style="text-align: right;">Page 181</p> <p>1 detective standards, I guess. 2 Q Are you aware that D-methamphetamine is used 3 as a prescription stimulant and appetite suppressant? 4 A Yeah, I think I've heard that. Like the old 5 diet pills, right? 6 Q Okay. So you'd want to know whether, again, 7 whether he was taking either diet pills or cold 8 medicine to determine whether it would be illegal or 9 legal methamphetamine, correct? 10 A Yes. 11 Q And you would have to know that before you'd 12 make a determination to initiate a criminal 13 complaint, correct? 14 A Yeah. I guess I'd have to consult with 15 someone who had the necessary information to make 16 that decision. 17 MR. LAGOMARSINO: I have no further 18 questions. 19 FURTHER EXAMINATION 20 BY MR. MCNUTT: 21 Q Let me follow up. Are you aware of -- do 22 you know who Dr. Olson is? Do you know that name? 23 A No. 24 Q She was the coroner at the time. 25 A Okay.</p>

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 * * * Videotaped Deposition * * *

47 (Pages 182 to 185)

<p style="text-align: right;">Page 182</p> <p>1 Q Are you aware that she said that significant</p> <p>2 factors involved in Tashii Farmer's death included</p> <p>3 methamphetamine intoxication and an enlarged heart?</p> <p>4 A Yes.</p> <p>5 MR. MCNUTT: Okay. No further questions.</p> <p>6 FURTHER EXAMINATION</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q Do you think that Tashii Farmer would have</p> <p>9 just spontaneously collapsed had he not been placed</p> <p>10 in a neck restraint?</p> <p>11 MR. ANDERSON: Objection. Form.</p> <p>12 MR. MCNUTT: Objection. Form.</p> <p>13 THE WITNESS: Yes, I think it's possible.</p> <p>14 MR. LAGOMARSINO: Okay. All right. No</p> <p>15 further questions.</p> <p>16 THE VIDEOGRAPHER: This concludes the video</p> <p>17 deposition of Travis Crumrine.</p> <p>18 The original media of today's testimony will</p> <p>19 remain in the custody of Las Vegas Legal Video.</p> <p>20 The time is approximately 4:04 p.m., and we</p> <p>21 are going off the record.</p> <p>22 THE REPORTER: Counsel, copy?</p> <p>23 MR. ANDERSON: I do, yeah.</p> <p>24 MR. MCNUTT: I do.</p> <p>25 THE REPORTER: What form of transcript?</p>	<p style="text-align: right;">Page 184</p> <p style="text-align: center;">CERTIFICATE OF DEPONENT</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 40%;">CHANGE</th> <th style="width: 40%;">REASON</th> </tr> <tr><td>1</td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </table> <p style="text-align: center;">*****</p> <p>I, OFFICER TRAVIS CRUMRINE, deponent herein,</p> <p>do hereby certify and declare that the within and</p> <p>foregoing transcription to be my deposition in said</p> <p>action; that I have read, corrected, and do hereby</p> <p>affix my signature to said deposition.</p> <p style="text-align: right;">_____ OFFICER TRAVIS CRUMRINE</p>	PAGE	LINE	CHANGE	REASON	1				2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25			
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<p style="text-align: right;">Page 183</p> <p>1 MR. ANDERSON: Regular, mini.</p> <p>2 MR. MCNUTT: Regular and mini, PDF.</p> <p>3 (Thereupon, the videotaped deposition</p> <p>4 was concluded at 4:04 p.m.)</p> <p>5</p> <p>6 * * * * *</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 185</p> <p style="text-align: center;">CERTIFICATE OF REPORTER</p> <p>STATE OF NEVADA)</p> <p style="text-align: center;">) ss:</p> <p>COUNTY OF CLARK)</p> <p>I, Sarah Safier, CCR No. 808, do hereby</p> <p>certify: That I reported the deposition of OFFICER</p> <p>TRAVIS CRUMRINE, commencing on Monday,</p> <p>December 10, 2018, at 10:09 a.m.</p> <p>That prior to being deposed, the witness was</p> <p>duly sworn by me to testify to the truth. That I</p> <p>thereafter transcribed my said shorthand notes into</p> <p>typewriting and that the typewritten transcript is a</p> <p>complete, true, and accurate transcription of my said</p> <p>shorthand notes. That prior to the conclusion of the</p> <p>proceedings, pursuant to NRCPC 30(e), the reading and</p> <p>signing of the transcript was requested by the</p> <p>witness or a party.</p> <p>I further certify that I am not a relative</p> <p>or employee of counsel of any of the parties, nor a</p> <p>relative or employee of the parties involved in said</p> <p>action, nor a person financially interested in the</p> <p>action.</p> <p>IN WITNESS WHEREOF, I have set my hand in my</p> <p>office in the County of Clark, State of Nevada, this</p> <p>24th day of December, 2018.</p> <p style="text-align: right;">_____ Sarah Safier, CCR No. 808</p>																																																																																																								